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Washington, Tuesday, April 29, 1952

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10348

#### CONTINUING IN FORCE ORDERS AND REGULATIONS RELATING TO BLOCKED PROPERTY

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, and as President of the United States, it is hereby ordered as follows:

Executive Order No. 8389 of April 10, 1940, as amended, and Executive Order No. 9989 of August 20, 1948, and all delegations, designations, regulations, rulings, instructions, and licenses issued under such orders are hereby continued in force according to their terms for the duration of the period of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,

April 26, 1952.

[F. R. Doc. 52-4856; Filed, Apr. 26, 1952; 11:01 a. m.]

### EXECUTIVE ORDER 10349

#### DECLARING THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE TO BE A MILITARY SERVICE AND PRESCRIBING REGULATIONS THEREFOR

By virtue of the authority vested in me by section 215 of the Public Health Service Act (58 Stat. 690), and the authority vested in me by section 216 of that Act (58 Stat. 690) as continued by the Emergency Powers Interim Continuation Act, approved April 14, 1952 (Public Law 313, 82nd Congress), and as President of the United States and Commander in Chief of the land and naval forces of the United States, I hereby declare the Commissioned Corps of the Public Health Service to be a military service and a branch of the land and naval forces of the United States from the date of this order to and including June 1, 1952. The Commissioned Corps of the Public Health Service during such period shall be subject to the Uniform Code of Military Justice to the

extent prescribed in the following regulations:

1. The Uniform Code of Military Justice is hereby adapted to apply to officers of the Commissioned Corps of the Public Health Service in the same manner and to the same extent as it applies to the commissioned officers of the armed forces under like circumstances.

2. Any member of the Commissioned Corps of the Public Health Service who violates any provision of the Uniform Code of Military Justice shall be subject to trial and punishment as prescribed therein. The authority conferred by the Uniform Code of Military Justice upon the Secretary of the Navy shall be vested in the Federal Security Administrator; the authority conferred by the Uniform Code of Military Justice on a Commander in Chief of a fleet of the Navy shall be vested in the Surgeon General of the Public Health Service; and the authority conferred by the Uniform Code of Military Justice on the Judge Advocate General of the Navy shall be vested in the General Counsel of the Federal Security Agency. The authority conferred upon such officers by this paragraph shall not be delegated.

3. Commissioned officers of the Public Health Service now or hereafter detailed for duty with the armed forces shall be subject to the laws applicable to the service to which they are detailed as prescribed by law. In the initiation, prosecution, and completion of disciplinary action, including remission or mitigation of punishments for any offense which has been or may be committed by any commissioned officer of the Public Health Service while detailed for duty with the armed forces, the jurisdiction shall depend upon and be in accordance with the laws and regulations applicable to the armed force which has jurisdiction of the person of the offender at the various stages of such action: *Provided*, that any punishment imposed and executed in accordance with the provisions of this paragraph shall not exceed that to which the offender was liable at the time of the commission of the offense.

4. The Manual for Courts-Martial, United States, 1951, and modifications

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or revisions thereof, shall govern the conduct of courts-martial in the Public Health Service.

5. All offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the date of this order under any Executive order or regulation embraced in, or modified, changed, or revoked by, this order may be prosecuted, punished, and enforced, and action thereon may be completed, in the same manner and with the same effect as if this order had not been issued.

This order supersedes Executive Order No. 9575 of June 21, 1945, entitled "Declaring the Commissioned Corps of the Public Health Service To Be a Military Service and Prescribing Regulations therefor".

HARRY S. TRUMAN

THE WHITE HOUSE,

April 26, 1952.

[F. R. Doc. 52-4859; Filed, Apr. 28, 1952; 11:20 a. m.]

## RULES AND REGULATIONS

## TITLE 6—AGRICULTURAL CREDIT

## Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

## Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Barley]

## PART 601—GRAINS AND RELATED COMMODITIES

## SUBPART—1952-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1952-crop barley. The 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952 is supplemented as follows:

Sec.	
601.1551	Purpose.
601.1552	Availability of price support.
601.1553	Eligible barley.
601.1554	Warehouse receipts.
601.1555	Determination of quantity.
601.1556	Determination of quality.
601.1557	Maturity of loans.
601.1558	Support rates.
601.1559	Warehouse charges.
601.1560	Settlement.

**AUTHORITY:** §§ 601.1551 to 601.1560 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Supp., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1953; 15 U. S. C. Supp. 714, 7 U. S. C. Supp. 1447, 1421.

§ 601.1551 *Purpose.* This subpart states additional specific requirements which, together with the general requirements contained in the 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521), apply to loans and purchase agreements under the 1952-Crop Barley Price Support Program.

§ 601.1552 *Availability of price support.*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1953, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing barley in 1952, as landowner, landlord, tenant, or share-cropper.

§ 601.1553 *Eligible barley.* At the time the barley is placed under loan or delivered under a purchase agreement it must meet the following requirements:

(a) The barley must have been produced in the continental United States in 1952 by an eligible producer.

(b) The beneficial interest in the barley must be in the person tendering the barley for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested.

(c) The barley must be of any class grading No. 5 or better (or No. 5 Garlicky, or better) except that Class II

Western Barley, shall not have a test weight of less than 40 pounds per bushel.

(d) Barley grading Weevily, Tough, Stained, Blighted, Bleached, Ergoty, or Smutty will not be eligible.

(e) If offered as security for a farm-storage loan, the barley must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.1554 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the uniform Grain Storage Agreement which indicate that the barley is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (1) Gross weight or bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) dockage, and (6) any other grading factor(s) when such factor(s), and not test weight determine the grade. The warehouse receipt or the supplemental certificate must show whether the barley arrived by rail, truck or barge. In the case of warehouse receipts issued for barley delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.



## RULES AND REGULATIONS

(c) A separate warehouse receipt must be submitted for each grade and class of barley.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.1559.

(e) Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a statement signed by the warehouseman which contains the following information and which may be part of the supplemental certificate.

The barley represented by attached warehouse receipt No. \_\_\_\_\_ issued by \_\_\_\_\_ on warehouse located at \_\_\_\_\_ was received by rail freight from \_\_\_\_\_ (Station)

(County) \_\_\_\_\_ (State) \_\_\_\_\_  
point of origin as evidenced by freight bill described as follows:

Way-bill, date \_\_\_\_\_ No. \_\_\_\_\_  
Car initials and No. \_\_\_\_\_  
Freight bill, date \_\_\_\_\_ No. \_\_\_\_\_  
Origin carrier \_\_\_\_\_  
Full in-bound route and junction points \_\_\_\_\_

Transit weight \_\_\_\_\_  
Freight rate in \_\_\_\_\_  
Amount collected \_\_\_\_\_  
Guaranteed transit balance, if any, of through freight to \_\_\_\_\_ of \_\_\_\_\_  
per 100 pounds, plus tax of \_\_\_\_\_  
Number unused transit stops \_\_\_\_\_  
Penalty, if any, to guarantee minimum proportional rate on out-bound billing of \_\_\_\_\_ cents per 100 pounds \_\_\_\_\_  
Where paid-in freight is based on other than domestic interstate freight rate basis, the difference in rates between the freight paid (plus tax), and the domestic interstate freight rate (plus tax), is \_\_\_\_\_

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

(Warehouseman's signature) \_\_\_\_\_

(Address) \_\_\_\_\_

(Date of signature) \_\_\_\_\_

#### § 601.1555 Determination of quantity.

(a) The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 48 pounds of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of  $\frac{1}{4}$  of a pound for each sack shall be made.

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 48-pound barley:

For barley testing	Percent
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 601.1556 *Determination of quality.* The grade, class, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 601.1557 *Maturity of loans.* Loans mature on demand but no later than April 30, 1953.

§ 601.1558 *Support rates.* Basic support rates for barley placed under loan and for barley delivered under purchase agreement are set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for barley of the Classes I, II and III, grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel for No. 1
Albany, N. Y.	\$1.53
Astoria, Oreg.	1.47
Baltimore, Md.	1.53
Chicago, Ill.	1.46
Duluth, Minn.	1.42
Galveston, Tex.	1.47
Houston, Tex.	1.47
Kansas City, Mo.	1.40
Longview, Wash.	1.47
Los Angeles, Calif.	1.46
Memphis, Tenn.	1.46
Milwaukee, Wis.	1.46
Minneapolis, Minn.	1.42
New Orleans, La.	1.47
New York, N. Y.	1.53
Norfolk, Va.	1.53
Oakland, Calif.	1.46
Omaha, Nebr.	1.40
Philadelphia, Pa.	1.53
Portland, Oreg.	1.47
Saint Joseph, Mo.	1.40
Saint Louis, Mo.	1.46
San Francisco, Calif.	1.46
Seattle, Wash.	1.47

Terminal market—Continued	Rate per bushel for No. 1
Superior, Wis.	\$1.42
Tacoma, Wash.	1.47
Vancouver, Wash.	1.47

(2) Barley eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any barley shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, barley for which neither registered freight bills nor freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 7 cents per bushel.

(5) When received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 10  $\frac{1}{2}$  cents per bushel.

(b) *Support rates for barley in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for barley stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through freight rate from point of origin for such barley to such terminal market: *Provided*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 601.1554.

(c) *Basic county support rates.* (1) The following basic county support rates per bushel are established for barley of the Classes I, II, and III grading No. 2 or better. (Both farm-storage and country



warehouse-storage loans will be made at the support rate established for the county in which the barley is stored):

ALABAMA  
All counties..... \$1.30

## ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	\$0.95	Mohave	\$1.05
Cochise	1.09	Navajo	.95
Coconino	.99	Pima	1.19
Gila	.93	Pinal	1.24
Graham	1.05	Santa Cruz	1.16
Greenlee	.98	Yavapai	1.06
Maricopa	1.24	Yuma	1.25

## ARKANSAS

County	Rate per bushel	County	Rate per bushel
Benton	\$1.18	Lafayette	\$1.21
Clay	1.23	Mississippi	1.29
Crittenden	1.33	Phillips	1.23
Greene	1.23	Poinsett	1.29
Independence	1.27	Pulaski	1.26
Jackson	1.28	Washington	1.19

## CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	\$1.36	Sacramento	\$1.33
Butte	1.30	San Benito	1.33
Calaveras	1.32	San Bernar-	
Colusa	1.30	dino	1.34
Contra Costa	1.36	San Diego	1.31
El Dorado	1.29	San Joaquin	1.34
Fresno	1.30	San Luis Obis-	
Glenn	1.29	po	1.30
Imperial	1.29	San Mateo	1.37
Kern	1.30	Santa Barbara	1.31
Kings	1.30	Santa Clara	1.36
Lake	1.31	Santa Cruz	1.34
Lassen	1.19	Shasta	1.26
Los Angeles	1.35	Sierra	1.20
Madera	1.32	Siskiyou	1.20
Marin	1.36	Solano	1.35
Merced	1.33	Sonoma	1.35
Modoc	1.18	Stanislaus	1.33
Monterey	1.32	Sutter	1.31
Napa	1.35	Tehama	1.29
Nevada	1.19	Trinity	1.26
Orange	1.34	Tulare	1.30
Placer	1.32	Ventura	1.35
Plumas	1.21	Yolo	1.33
Riverside	1.31	Yuba	1.32

## COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	\$1.14	Kiowa	\$1.15
Alamosa	1.06	Kit Carson	1.15
Arapahoe	1.14	Lake	1.01
Archuleta	1.01	La Plata	1.01
Baca	1.14	Larimer	1.14
Bent	1.14	Las Animas	1.13
Boulder	1.14	Lincoln	1.14
Chaffee	1.03	Logan	1.14
Cheyenne	1.15	Mesa	1.01
Clear Creek	1.10	Mineral	1.05
Conejos	1.06	Moffat	1.01
Costilla	1.06	Montezuma	.93
Crowley	1.14	Montrose	1.01
Custer	1.06	Morgan	1.14
Delta	1.01	Otero	1.14
Denver	1.14	Ouray	1.01
Dolores	.87	Phillips	1.15
Douglas	1.14	Pitkin	1.01
Eagle	1.01	Prowers	1.15
Elbert	1.14	Pueblo	1.14
El Paso	1.14	Rio Blanco	1.01
Fremont	1.09	Rio Grande	1.06
Garfield	1.01	Routt	1.01
Gilpin	1.06	Saguache	1.03
Grand	1.04	San Miguel	.89
Gunnison	1.01	Sedgwick	1.15
Hinsdale	1.01	Summit	1.04
Huerfano	1.10	Washington	1.14
Jackson	.89	Weld	1.14
Jefferson	1.14	Yuma	1.14

## CONNECTICUT

All counties..... \$1.35

## DELAWARE

All counties..... \$1.35

## FLORIDA

All counties..... \$1.39

## GEORGIA

All counties..... \$1.39

## IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	\$1.15	Gem	\$1.15
Adams	1.13	Gooding	1.11
Bannock	1.07	Idaho	1.20
Bear Lake	1.07	Jefferson	1.06
Benewah	1.21	Jerome	1.10
Bingham	1.08	Kootenai	1.21
Blaine	1.09	Latah	1.22
Boise	1.14	Lemhi	1.07
Bonner	1.20	Lewis	1.20
Bonnaville	1.06	Lincoln	1.10
Boundary	1.18	Madison	1.06
Butte	1.03	Minidoka	1.10
Camas	1.09	Nez Perce	1.22
Canyon	1.15	Oneida	1.06
Caribou	1.08	Owyhee	1.15
Cassia	1.09	Payette	1.16
Clark	1.04	Power	1.09
Clearwater	1.21	Shoshone	1.19
Custer	1.06	Teton	1.06
Elmore	1.13	Twin Falls	1.08
Franklin	1.06	Valley	1.14
Fremont	1.06	Washington	1.16

## ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	\$1.28	Lee	\$1.31
Alexander	1.30	Livingston	1.31
Bond	1.32	Logan	1.30
Boone	1.31	McDonough	1.29
Brown	1.29	McHenry	1.32
Bureau	1.30	McLean	1.30
Calhoun	1.31	Macon	1.30
Carroll	1.29	Macoupin	1.32
Cass	1.30	Madison	1.33
Champaign	1.30	Marion	1.30
Christian	1.30	Marshall	1.30
Clark	1.30	Mason	1.30
Clay	1.30	Massac	1.29
Clinton	1.32	Menard	1.30
Coles	1.30	Mercer	1.29
Cook	1.33	Monroe	1.32
Crawford	1.29	Montgomery	1.31
Cumberland	1.30	Morgan	1.30
De Kalb	1.32	Moultrie	1.30
De Witt	1.33	Ogle	1.31
Douglas	1.30	Pecoria	1.30
Du Page	1.33	Perry	1.33
Edgar	1.33	Platt	1.30
Edwards	1.30	Pike	1.29
Effingham	1.30	Pope	1.29
Fayette	1.30	Pulaski	1.39
Ford	1.31	Putnam	1.30
Franklin	1.30	Randolph	1.30
Fulton	1.30	Richland	1.29
Gallatin	1.27	Rock Island	1.29
Greene	1.32	Saint Clair	1.32
Grundy	1.32	Saline	1.28
Hamilton	1.30	Sangamon	1.30
Hancock	1.23	Schuyler	1.29
Hardin	1.26	Scott	1.30
Henderson	1.23	Shelby	1.30
Henry	1.29	Stark	1.30
Iroquois	1.31	Stephenson	1.29
Jackson	1.30	Tazewell	1.30
Jasper	1.29	Union	1.30
Jefferson	1.30	Vermilion	1.31
Jersey	1.32	Wabash	1.29
Jo Daviess	1.29	Warren	1.29
Johnson	1.26	Washington	1.30
Kane	1.33	Wayne	1.29
Kankakee	1.33	White	1.28
Kendall	1.33	Whiteside	1.30
Knox	1.29	Will	1.33
Lake	1.34	Williamson	1.30
La Salle	1.31	Winnebago	1.30
Lawrence	1.29	Woodford	1.30

## INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.27	Carroll	\$1.31
Allen	1.27	Cass	1.30
Bartholomew	1.27	Clark	1.26
Benton	1.31	Clay	1.31
Boone	1.28	Crawford	1.23

## INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Daviess	\$1.27	Montgomery	\$1.30
Dearborn	1.24	Morgan	1.30
De Kalb	1.23	Noble	1.28
Delaware	1.27	Ohio	1.24
Dubois	1.24	Orange	1.29
Elkhart	1.29	Owen	1.29
Fayette	1.26	Parke	1.28
Floyd	1.26	Perry	1.21
Franklin	1.25	Pike	1.26
Fulton	1.30	Porter	1.33
Gibson	1.28	Posey	1.31
Grant	1.28	Pulaski	1.32
Greene	1.29	Putnam	1.30
Hamilton	1.28	Randolph	1.28
Hancock	1.27	Ripley	1.24
Harrison	1.23	Rush	1.26
Hendricks	1.28	Saint Joseph	1.30
Henry	1.28	Scott	1.29
Huntington	1.28	Shelby	1.26
Jackson	1.27	Spencer	1.21
Jasper	1.23	Starke	1.22
Jefferson	1.29	Steuben	1.27
Jennings	1.27	Sullivan	1.32
Johnson	1.28	Switzerland	1.24
Knox	1.29	Tipton	1.28
Kosciusko	1.29	Union	1.26
Lagrange	1.23	Vanderburgh	1.32
Lake	1.33	Vermillion	1.32
La Porte	1.31	Wabash	1.29
Lawrence	1.29	Warrick	1.23
Madison	1.23	Washington	1.29
Marion	1.28	Wayne	1.27
Marshall	1.30	Wells	1.27
Martin	1.25	White	1.32
Miami	1.29	Whitley	1.28
Monroe	1.30		

## IOWA

County	Rate per bushel	County	Rate per bushel
Adair	\$1.24	Jefferson	\$1.26
Adams	1.25	Johnson	1.27
Allamakee	1.25	Jones	1.28
Appanoose	1.26	Keokuk	1.25
Audubon	1.25	Kossuth	1.24
Benton	1.26	Lee	1.27
Black Hawk	1.25	Linn	1.27
Boone	1.23	Louisia	1.27
Bremer	1.24	Lucas	1.24
Buchanan	1.26	Lyon	1.23
Buena Vista	1.23	Madison	1.23
Butler	1.24	Mahaska	1.25
Calhoun	1.24	Marion	1.24
Carroll	1.25	Marshall	1.25
Cass	1.25	Mills	1.28
Cedar	1.28	Mitchell	1.25
Cerro Gordo	1.25	Monona	1.26
Cherokee	1.24	Monroe	1.25
Chickasaw	1.24	Montgomery	1.27
Clarke	1.24	Muscatine	1.28
Clay	1.24	O'Brien	1.23
Clayton	1.26	Oceola	1.23
Clinton	1.28	Page	1.26
Crawford	1.26	Palo Alto	1.24
Dallas	1.23	Plymouth	1.24
Davis	1.27	Pocahontas	1.23
Decatur	1.24	Polk	1.24
Delaware	1.26	Pottawattamie	1.28
Des Moines	1.23	Poweshiek	1.25
Dickinson	1.24	Ringgold	1.24
Dubuque	1.27	Sac	1.24
Emmet	1.25	Scott	1.28
Fayette	1.26	Shelby	1.27
Floyd	1.25	Sioux	1.24
Franklin	1.24	Story	1.24
Fremont	1.27	Tama	1.25
Greene	1.24	Taylor	1.24
Grundy	1.25	Union	1.24
Guthrie	1.24	Van Buren	1.27
Hamilton	1.24	Wapello	1.25
Hancock	1.24	Warren	1.24
Hardin	1.24	Washington	1.26
Harrison	1.27	Wayne	1.25
Henry	1.27	Webster	1.23
Howard	1.25	Winnebago	1.25
Humboldt	1.23	Winneshek	1.25
Ida	1.24	Woodbury	1.25
Iowa	1.26	Worth	1.25
Jackson	1.28	Wright	1.24
Jasper	1.24		



## RULES AND REGULATIONS

## KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	\$1.24	Linn	\$1.25
Anderson	1.25	Logan	1.17
Atchison	1.27	Lyon	1.24
Barber	1.20	McPherson	1.21
Barton	1.20	Marion	1.21
Bourbon	1.25	Marshall	1.24
Brown	1.25	Meade	1.17
Butler	1.21	Miami	1.27
Chase	1.23	Mitchell	1.21
Chautauqua	1.23	Montgomery	1.24
Cherokee	1.24	Morris	1.22
Cheyenne	1.16	Morton	1.15
Clark	1.17	Nemaha	1.24
Clay	1.22	Neosho	1.24
Cloud	1.22	Ness	1.19
Coffey	1.24	Norton	1.19
Comanche	1.18	Osage	1.25
Cowley	1.21	Osborne	1.20
Crawford	1.24	Ottawa	1.21
Decatur	1.18	Pawnee	1.20
Dickinson	1.21	Phillips	1.20
Doniphan	1.25	Pottawatomie	1.24
Douglas	1.27	Pratt	1.20
Edwards	1.20	Rawlins	1.17
Elk	1.23	Rens	1.21
Ellis	1.20	Republic	1.22
Ellsworth	1.21	Rice	1.21
Finney	1.17	Riley	1.24
Ford	1.19	Rooks	1.20
Franklin	1.23	Rush	1.20
Geary	1.23	Russell	1.20
Gove	1.18	Saline	1.21
Graham	1.19	Scott	1.17
Grant	1.16	Sedgwick	1.21
Gray	1.18	Seward	1.16
Greeley	1.16	Shawnee	1.25
Greenwood	1.23	Sheridan	1.18
Hamilton	1.16	Sherman	1.16
Harper	1.20	Smith	1.21
Harvey	1.21	Stafford	1.20
Haskell	1.17	Stanton	1.16
Hodgeman	1.19	Stevens	1.16
Jackson	1.25	Sumner	1.21
Jefferson	1.26	Thomas	1.17
Jewell	1.21	Trego	1.19
Johnson	1.27	Wabaunsee	1.24
Kearney	1.16	Wallace	1.16
Kingman	1.21	Washington	1.22
Kiowa	1.20	Wichita	1.16
Labette	1.24	Wilson	1.24
Lane	1.18	Woodson	1.24
Leavenworth	1.28	Wyandotte	1.28
Lincoln	1.21		

## KENTUCKY

All counties.....\$1.28

## LOUISIANA

All counties.....\$1.21

## MAINE

All counties.....\$1.35

## MARYLAND

All counties.....\$1.35

## MASSACHUSETTS

All counties.....\$1.35

## MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	\$1.18	Clinton	\$1.26
Alger	1.20	Crawford	1.18
Allegan	1.27	Delta	1.22
Alpena	1.18	Dickinson	1.23
Antrim	1.18	Eaton	1.26
Arenac	1.21	Emmet	1.17
Baraga	1.21	Genesee	1.26
Barry	1.26	Gladwin	1.23
Bay	1.24	Gogebio	1.23
Benzie	1.25	Grand Travers	
Berrien	1.29	orse	1.20
Branch	1.27	Gratiot	1.26
Calhoun	1.23	Hillsdale	1.26
Cass	1.29	Houghton	1.19
Charlevoix	1.18	Huron	1.22
Cheboygan	1.17	Ingham	1.26
Chippewa	1.18	Ionia	1.26
Clare	1.25	Iosco	1.18

## MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Iron	\$1.22	Muskegon	\$1.25
Isabella	1.24	Newaygo	1.24
Jackson	1.27	Oakland	1.26
Kalamazoo	1.29	Oceana	1.22
Kalkaska	1.18	Ogemaw	1.23
Kent	1.26	Ontonagon	1.21
Lake	1.22	Osceola	1.21
Lapeer	1.26	Oscoda	1.23
Leelanau	1.18	Otsego	1.17
Lenawee	1.26	Ottawa	1.26
Livingston	1.26	Presque Isle	1.17
Luce	1.18	Roscommon	1.23
Mackinac	1.18	Saginaw	1.26
Macomb	1.27	Saint Clair	1.26
Manistee	1.23	Saint Joseph	1.28
Marquette	1.21	Sanilac	1.24
Mason	1.22	Schoolcraft	1.19
Mecosta	1.22	Shiawassee	1.26
Menominee	1.24	Tuscola	1.24
Midland	1.25	Van Buren	1.28
Missaukee	1.22	Washtenaw	1.25
Monroe	1.27	Wayne	1.26
Montcalm	1.25	Wexford	1.19
Montmorency	1.17		

## MINNESOTA

County	Rate per bushel	County	Rate per bushel
Atkin	\$1.28	Martin	\$1.25
Anoka	1.30	Meeker	1.28
Becker	1.24	Miller	1.27
Beltrami	1.24	Morrison	1.26
Benton	1.27	Mower	1.26
Big Stone	1.24	Murray	1.24
Blue Earth	1.27	Nicollet	1.28
Brown	1.27	Nobles	1.24
Carlton	1.29	Norman	1.22
Carver	1.30	Olmsted	1.26
Cass	1.25	Otter Tail	1.25
Chippewa	1.26	Pennington	1.22
Chisago	1.28	Pine	1.27
Clay	1.23	Pipestone	1.24
Clearwater	1.24	Polk	1.22
Cottonwood	1.25	Pope	1.26
Crow Wing	1.26	Ramsey	1.30
Dakota	1.30	Red Lake	1.23
Dodge	1.27	Redwood	1.26
Douglas	1.26	Renville	1.27
Faribault	1.25	Rice	1.28
Fillmore	1.24	Rock	1.23
Freeborn	1.26	Roseau	1.21
Goodhue	1.27	Saint Louis	1.27
Grant	1.25	Scott	1.29
Hennepin	1.30	Sherburne	1.29
Houston	1.24	Sibley	1.28
Hubbard	1.24	Stearns	1.27
Isanti	1.28	Steele	1.27
Itasca	1.26	Stevens	1.25
Jackson	1.24	Swift	1.26
Kanabec	1.27	Todd	1.26
Kandiyohi	1.28	Traverse	1.24
Kittson	1.20	Wabasha	1.27
Koochiching	1.21	Wadena	1.25
Lac Qui Parle	1.24	Waseca	1.27
Lake of the		Washington	1.30
Woods	1.22	Watsonwan	1.26
Le Sueur	1.28	Wilkin	1.24
Lincoln	1.24	Winona	1.27
Lyon	1.25	Wright	1.29
McLeod	1.28	Yellow Medi-	
Mahnomen	1.22	cine	1.25
Marshall	1.21		

## MISSISSIPPI

All counties.....\$1.30

## MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	\$1.27	Caldwell	\$1.26
Andrew	1.26	Callaway	1.29
Audrain	1.29	Camden	1.27
Barry	1.23	Cape Girar-	
Barton	1.24	denau	1.29
Bates	1.26	Carroll	1.26
Benton	1.26	Carter	1.27
Bollinger	1.30	Cass	1.27
Boone	1.29	Cedar	1.25
Buchanan	1.26	Chariton	1.27
Butler	1.28	Christian	1.23

## MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Clark	\$1.28	Montgomery	\$1.31
Clay	1.27	Morgan	1.27
Clinton	1.26	New Madrid	1.28
Cole	1.28	Newton	1.23
Cooper	1.28	Nodaway	1.25
Crawford	1.30	Oregon	1.24
Dade	1.24	Osage	1.29
Dallas	1.25	Pemiscot	1.23
Davies	1.26	Perry	1.30
De Kalb	1.26	Pettis	1.26
Dent	1.29	Phelps	1.30
Douglas	1.23	Pike	1.30
Dunklin	1.28	Platte	1.28
Franklin	1.32	Polk	1.24
Gasconade	1.30	Pulaski	1.28
Gentry	1.25	Putnam	1.23
Greene	1.25	Ralls	1.29
Grundy	1.24	Randolph	1.29
Harrison	1.24	Ray	1.25
Henry	1.26	Reynolds	1.28
Hickory	1.24	Ripley	1.28
Holt	1.24	Saint Charles	1.34
Howard	1.29	Saint Clair	1.25
Howell	1.22	Sainte Gene-	
Iron	1.30	vieve	1.31
Jackson	1.27	Saint Francois	1.31
Jasper	1.24	Saint Louis	1.35
Jefferson	1.33	Saline	1.27
Johnson	1.26	Scotland	1.28
Knox	1.28	Scott	1.28
Laclede	1.27	Shannon	1.25
LaFayette	1.26	Shelby	1.29
Lawrence	1.23	Stoddard	1.28
Lincoln	1.32	Stone	1.22
Linn	1.27	Taney	1.22
Livingston	1.25	Texas	1.22
McDonald	1.23	Vernon	1.25
Macon	1.28	Warren	1.33
Madison	1.30	Washington	1.31
Maries	1.30	Wayne	1.29
Miller	1.27	Webster	1.25
Mississippi	1.28	Worth	1.24
Moniteau	1.28	Wright	1.23
Monroe	1.29		

## MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	\$1.02	Madison	\$1.10
Big Horn	1.03	Meagher	1.10
Blaine	1.05	Mineral	1.13
Broadwater	1.10	Missoula	1.12
Carbon	1.07	Musselshell	1.08
Carter	1.11	Park	1.10
Cascade	1.10	Petroleum	1.10
Chouteau	1.10	Phillips	1.06
Custer	1.10	Pondera	1.09
Daniels	1.08	Powder River	1.08
Dawson	1.10	Powell	1.10
Deer Lodge	1.10	Prairie	1.10
Fallon	1.11	Ravalli	1.10
Fergus	1.10	Richland	1.10
Flathead	1.13	Roosevelt	1.11
Gallatin	1.10	Rosebud	1.06
Garfield	1.09	Sanders	1.14
Glacier	1.10	Sheridan	1.10
Golden Valley	1.09	Silver Bow	1.10
Granite	1.10	Stillwater	1.09
Hill	1.10	Sweet Grass	1.09
Jefferson	1.10	Teton	1.10
Judith Basin	1.10	Toole	1.10
Lake	1.13	Treasure	1.06
Lewis and		Valley	1.07
Clark	1.10	Wheatland	1.10
Liberty	1.10	Wibaux	1.11
Lincoln	1.14	Yellowstone	1.08
McCone	1.09		

## NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.22	Butler	\$1.26
Antelope	1.23	Cass	1.27
Arthur	1.17	Cedar	1.23
Banner	1.14	Chase	1.17
Blaine	1.20	Cherry	1.18
Boone	1.24	Cheyenne	1.14
Box Butte	1.16	Clay	1.23
Boyd	1.21	Colfax	1.26
Brown	1.19	Cuming	1.26
Buffalo	1.23	Custer	1.21
Burt	1.27	Dakota	1.25



## NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Dawes	\$1.14	McPherson	\$1.18
Dawson	1.21	Madison	1.24
Deuel	1.16	Merrick	1.24
Dixon	1.24	Morrill	1.15
Dodge	1.27	Nance	1.24
Douglas	1.28	Nemaha	1.25
Dundy	1.17	Nuckolls	1.23
Fillmore	1.24	Otoe	1.26
Franklin	1.21	Pawnee	1.24
Frontier	1.19	Perkins	1.17
Furnas	1.20	Phelps	1.21
Gage	1.25	Pierce	1.24
Garden	1.16	Platte	1.25
Garfield	1.22	Polk	1.25
Gosper	1.21	Red Willow	1.19
Grant	1.17	Richardson	1.25
Greeley	1.23	Rock	1.20
Hall	1.23	Saline	1.25
Hamilton	1.24	Sarpy	1.23
Harlan	1.21	Saunders	1.27
Hayes	1.17	Scotts Bluff	1.14
Hitchcock	1.18	Seward	1.26
Holt	1.22	Sheridan	1.16
Hooker	1.18	Sherman	1.22
Howard	1.23	Sioux	1.14
Jefferson	1.24	Stanton	1.25
Johnson	1.25	Thayer	1.24
Kearney	1.22	Thomas	1.19
Keith	1.17	Thurston	1.26
Keyapaha	1.20	Valley	1.22
Kimball	1.14	Washington	1.27
Knox	1.22	Wayne	1.23
Lancaster	1.27	Webster	1.22
Lincoln	1.19	Wheeler	1.24
Logan	1.20	York	1.25
Loup	1.22		

## NEVADA

All counties.....\$1.17

## NEW HAMPSHIRE

All counties.....\$1.35

## NEW JERSEY

All counties.....\$1.35

## NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	\$1.06	Mora	\$1.06
Catron	1.05	Otero	1.08
Chaves	1.14	Quay	1.14
Colfax	1.08	Rio Arriba	1.04
Curry	1.16	Roosevelt	1.15
De Baca	1.11	Sandoval	1.06
Dona Ana	1.06	San Juan	.87
Eddy	1.12	San Miguel	1.06
Grant	.96	Santa Fe	1.04
Guadalupe	1.09	Sierra	1.06
Harding	1.11	Socorro	1.06
Hidalgo	.96	Taos	1.04
Lea	1.15	Torrance	1.07
Lincoln	1.08	Union	1.08
Luna	.96	Valencia	1.00
McKinley	.96		

## NEW YORK

All counties.....\$1.35

## NORTH CAROLINA

All counties.....\$1.35

## NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.14	Emmons	\$1.17
Barnes	1.21	Foster	1.20
Benson	1.18	Golden Valley	1.12
Billings	1.14	Grand Forks	1.21
Bottineau	1.16	Grant	1.16
Bowman	1.14	Griggs	1.21
Burke	1.15	Hettinger	1.15
Burlingame	1.18	Kidder	1.19
Cass	1.22	La Moure	1.20
Cavalier	1.18	Logan	1.19
Dickey	1.21	McHenry	1.17
Divide	1.13	McIntosh	1.18
Dunn	1.14	McKenzie	1.12
Eddy	1.19	McLean	1.17

## NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Mercer	\$1.15	Sheridan	\$1.18
Morton	1.16	Sioux	1.16
Mountrail	1.15	Slope	1.12
Nelson	1.20	Stark	1.15
Oliver	1.16	Steele	1.21
Pembina	1.19	Stutsman	1.20
Pierce	1.18	Towner	1.18
Ramsey	1.19	Trall	1.21
Ransom	1.21	Walsh	1.20
Renville	1.15	Ward	1.15
Richland	1.23	Wells	1.19
Rolette	1.17	Williams	1.14
Sargent	1.22		

## OHIO

County	Rate per bushel	County	Rate per bushel
Adams	\$1.26	Licking	\$1.28
Allen	1.27	Logan	1.26
Ashland	1.28	Lorain	1.28
Ashtabula	1.30	Lucas	1.27
Athens	1.27	Madison	1.26
Auglaize	1.26	Mahoning	1.30
Belmont	1.28	Marion	1.27
Brown	1.26	Medina	1.28
Butler	1.26	Meigs	1.26
Carroll	1.28	Mercer	1.27
Champaign	1.26	Miami	1.27
Clark	1.26	Monroe	1.29
Clermont	1.26	Montgomery	1.27
Clinton	1.26	Morgan	1.28
Columbiana	1.29	Morrow	1.27
Coshocton	1.28	Muskingum	1.28
Crawford	1.27	Noble	1.28
Cuyahoga	1.28	Ottawa	1.27
Darke	1.27	Paulding	1.27
Defiance	1.27	Perry	1.27
Delaware	1.27	Pickaway	1.27
Erie	1.27	Pike	1.26
Fairfield	1.27	Portage	1.28
Fayette	1.26	Preble	1.26
Franklin	1.27	Putnam	1.27
Fulton	1.26	Richland	1.28
Gallia	1.26	Ross	1.26
Geauga	1.30	Sandusky	1.27
Greene	1.26	Scioto	1.26
Guernsey	1.28	Seneca	1.27
Hamilton	1.26	Shelby	1.26
Hancock	1.27	Stark	1.28
Hardin	1.27	Summit	1.28
Harrison	1.28	Trumbull	1.30
Henry	1.27	Tuscarawas	1.28
Highland	1.26	Union	1.27
Hocking	1.27	Van Wert	1.27
Holmes	1.28	Vinton	1.27
Huron	1.28	Warren	1.26
Jackson	1.26	Washington	1.28
Jefferson	1.28	Wayne	1.28
Knox	1.28	Williams	1.27
Lake	1.29	Wood	1.27
Lawrence	1.26	Wyandot	1.27

## OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	\$1.20	Greer	\$1.14
Alfalfa	1.19	Harmon	1.14
Atoka	1.15	Harper	1.16
Beaver	1.15	Haskell	1.18
Beckham	1.14	Hughes	1.17
Blaine	1.15	Jackson	1.14
Bryan	1.14	Jefferson	1.14
Caddo	1.14	Johnston	1.14
Canadian	1.15	Kay	1.20
Carter	1.14	Kingfisher	1.16
Cherokee	1.20	Kiowa	1.14
Choctaw	1.15	Latimer	1.17
Cimarron	1.14	Le Flore	1.18
Cleveland	1.14	Lincoln	1.16
Coal	1.15	Logan	1.17
Comanche	1.14	Love	1.14
Cotton	1.14	McClain	1.14
Craig	1.23	McCurtain	1.15
Creek	1.19	McIntosh	1.19
Custer	1.14	Major	1.17
Delaware	1.20	Marshall	1.14
Dewey	1.14	Mayes	1.22
Ellis	1.14	Murray	1.14
Garfield	1.19	Muskogee	1.19
Garvin	1.14	Noble	1.19
Grady	1.14	Nowata	1.24
Grant	1.19	Okfuskee	1.17

## OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Oklahoma	\$1.15	Seminole	\$1.16
Okmulgee	1.19	Sequoyah	1.19
Osage	1.21	Stephens	1.14
Ottawa	1.23	Texas	1.14
Pawnee	1.19	Tillman	1.14
Payne	1.17	Tulsa	1.21
Pittsburg	1.16	Wagoner	1.21
Pontotoc	1.14	Washington	1.23
Pottawatomie	1.14	Washita	1.14
Pushmataha	1.16	Woods	1.19
Rogers Mills	1.13	Woodward	1.16
Rogers	1.22		

## OREGON

County	Rate per bushel	County	Rate per bushel
Baker	\$1.20	Lake	\$1.15
Benton	1.32	Lane	1.30
Clackamas	1.35	Linn	1.32
Clatsop	1.32	Malheur	1.15
Columbia	1.34	Marion	1.35
Coos	1.26	Morrow	1.31
Crook	1.28	Multnomah	1.36
Deschutes	1.28	Polk	1.34
Douglas	1.27	Sherman	1.33
Gilliam	1.32	Umatilla	1.27
Grant	1.31	Union	1.21
Harney	1.12	Wallowa	1.20
Hood River	1.30	Wasco	1.34
Jackson	1.23	Washington	1.36
Jefferson	1.29	Wheeler	1.31
Josephine	1.23	Washington	1.36
Klamath	1.22	Yamhill	1.35

## PENNSYLVANIA

All counties.....\$1.35

## RHODE ISLAND

All counties.....\$1.35

## SOUTH CAROLINA

All counties.....\$1.35

## SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	\$1.20	Jackson	\$1.14
Beadle	1.22	Jerauld	1.21
Bennett	1.16	Jones	1.15
Bon Homme	1.22	Kingsbury	1.23
Brookings	1.23	Lake	1.22
Brown	1.21	Lawrence	1.11
Brule	1.19	Lincoln	1.23
Buffalo	1.20	Lyman	1.17
Butte	1.11	McCook	1.22
Campbell	1.18	McPherson	1.19
Charles Mix	1.20	Marshall	1.22
Clark	1.23	Meade	1.13
Clay	1.24	Mellette	1.18
Codington	1.23	Miner	1.22
Gorsen	1.16	Minnehaha	1.23
Custer	1.13	Moody	1.23
Davison	1.21	Pennington	1.13
Day	1.22	Perkins	1.14
Deuel	1.23	Potter	1.19
Dewey	1.16	Roberts	1.23
Douglas	1.21	Sanborn	1.21
Edmunds	1.20	Shannon	1.16
Fall River	1.13	Spink	1.22
Faulk	1.20	Stanley	1.18
Grant	1.23	Sully	1.18
Gregory	1.21	Todd	1.18
Haakon	1.15	Tripp	1.19
Hamlin	1.23	Turner	1.22
Hand	1.21	Union	1.24
Hanson	1.21	Walworth	1.18
Harding	1.14	Washabaugh	1.14
Hughes	1.19	Yankton	1.23
Hutchinson	1.21	Ziebach	1.14
Hyde	1.19		

## TENNESSEE

All counties.....\$1.30

## TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	\$1.17	Bandera	\$1.22
Armstrong	1.17	Baylor	1.17
Atascosa	1.23	Bee	1.26
Bailey	1.17	Bell	1.28



## RULES AND REGULATIONS

## TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Bexar	\$1.24	Kent	\$1.17
Blanco	1.27	Kerr	1.21
Borden	1.17	Kimble	1.21
Bosque	1.24	Knox	1.17
Briscoe	1.17	Lamar	1.21
Brown	1.21	Lamb	1.17
Burnet	1.25	Lampasas	1.23
Callahan	1.18	La Salle	1.19
Carson	1.17	Limestone	1.28
Castro	1.17	Lipscomb	1.15
Childress	1.17	Live Oak	1.23
Clay	1.18	Loving	1.13
Cochran	1.17	Lubbock	1.17
Coke	1.17	Lynn	1.17
Coleman	1.21	McCulloch	1.21
Collin	1.22	McLennan	1.27
Collingsworth	1.17	McMullen	1.23
Comal	1.27	Martin	1.17
Comanche	1.31	Mason	1.24
Concho	1.21	Maverick	1.14
Cooke	1.21	Medina	1.23
Coryell	1.25	Menard	1.21
Cottle	1.17	Midland	1.16
Crosby	1.17	Milam	1.31
Dallas	1.14	Mills	1.23
Dallas	1.23	Mitchell	1.17
Dawson	1.17	Montague	1.19
Deaf Smith	1.17	Moore	1.15
Delta	1.21	Motley	1.17
Denton	1.21	Navarro	1.26
De Witt	1.30	Nolan	1.17
Dickens	1.17	Ochiltree	1.15
Donley	1.17	Oldham	1.17
Eastland	1.21	Palo Pinto	1.21
Edwards	1.17	Parker	1.22
Ellis	1.24	Parmer	1.17
Erath	1.22	Pecos	1.13
Falls	1.29	Polk	1.34
Fannin	1.21	Potter	1.17
Fayette	1.33	Presidio	1.12
Fisher	1.17	Randall	1.17
Floyd	1.17	Real	1.19
Foard	1.17	Reeves	1.13
Gaines	1.17	Roberts	1.16
Gillespie	1.21	Rockwall	1.23
Glasscock	1.17	Runnels	1.17
Goliad	1.29	San Saba	1.23
Gonzales	1.30	Schleicher	1.16
Gray	1.17	Scurry	1.17
Grayson	1.21	Shackelford	1.17
Gregg	1.24	Sherman	1.14
Gaudalupe	1.27	Somervell	1.23
Hale	1.17	Stephens	1.17
Hall	1.17	Sterling	1.17
Hamilton	1.23	Stonewall	1.17
Hansford	1.15	Sutton	1.15
Hardeman	1.17	Swisher	1.17
Harrison	1.23	Tarrant	1.23
Hartley	1.15	Taylor	1.17
Haskell	1.17	Terry	1.17
Hays	1.28	Throckmorton	1.17
Hemphill	1.15	Tom Green	1.17
Hill	1.24	Travis	1.28
Hockley	1.17	Uvalde	1.19
Hood	1.23	Val Verde	1.13
Houston	1.32	Van Zandt	1.23
Howard	1.17	Victoria	1.31
Hunt	1.22	Ward	1.14
Hutchinson	1.15	Wharton	1.35
Irion	1.16	Wheeler	1.17
Jack	1.21	Wichita	1.17
Jim Wells	1.23	Wilbarger	1.17
Johnson	1.23	Williamson	1.28
Jones	1.17	Wilson	1.25
Karnes	1.27	Wise	1.21
Kaufman	1.23	Yoakum	1.17
Kendall	1.21	Young	1.17

## UTAH

All counties.....\$1.10

## VERMONT

All counties.....\$1.35

## VIRGINIA

All counties.....\$1.35

## WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	\$1.22	Klickitat	\$1.33
Asotin	1.22	Lewis	1.32
Benton	1.27	Lincoln	1.22
Chelan	1.22	Mason	1.28
Clallam	1.13	Okanogan	1.18
Clark	1.36	Pend Oreille	1.20
Columbia	1.26	Pierce	1.29
Cowlitz	1.35	San Juan	1.21
Douglas	1.20	Skagit	1.22
Ferry	1.16	Skamania	1.38
Franklin	1.25	Spokane	1.24
Garfield	1.26	Spokane	1.22
Grant	1.22	Stevens	1.19
Grays Harbor	1.29	Thurston	1.30
Island	1.24	Walla Walla	1.27
Jefferson	1.13	Whatcom	1.20
King	1.28	Whitman	1.22
Kittitas	1.27	Yakima	1.27

## WEST VIRGINIA

All counties.....\$1.32

## WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	\$1.27	Marathon	\$1.26
Ashland	1.25	Marquette	1.24
Barron	1.26	Marquette	1.27
Bayfield	1.26	Milwaukee	1.33
Brown	1.27	Monroe	1.25
Buffalo	1.26	Oconto	1.25
Burnett	1.28	Oneida	1.24
Calumet	1.23	Outagamie	1.27
Chippewa	1.25	Ozaukee	1.29
Clark	1.24	Pepin	1.27
Columbia	1.23	Pierce	1.28
Crawford	1.26	Polk	1.28
Dane	1.23	Portage	1.26
Dodge	1.29	Price	1.24
Door	1.25	Racine	1.34
Douglas	1.29	Richland	1.27
Dunn	1.27	Rock	1.30
Eau Claire	1.26	Rusk	1.25
Florence	1.24	Saint Croix	1.29
Fond du Lac	1.29	Sauk	1.27
Forest	1.24	Sawyer	1.26
Grant	1.27	Shawano	1.26
Green	1.29	Sheboygan	1.29
Green Lake	1.28	Taylor	1.24
Iowa	1.27	Trempealeau	1.25
Iron	1.24	Vernon	1.26
Jackson	1.25	Vilas	1.22
Jefferson	1.30	Walworth	1.30
Juneau	1.27	Washburn	1.27
Kenosha	1.33	Washington	1.29
Kewaunee	1.25	Waushara	1.30
La Crosse	1.26	Waupaca	1.27
Lafayette	1.27	Winnebago	1.27
Langlade	1.25	Winnebago	1.28
Lincoln	1.24	Wood	1.28
Manitowoc	1.28		

## WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	\$1.03	Natrona	\$1.04
Big Horn	.99	Niobrara	1.11
Campbell	1.08	Park	.99
Carbon	1.01	Platte	1.11
Converse	1.07	Sheridan	1.06
Crook	1.09	Sublette	1.01
Fremont	.99	Sweetwater	1.01
Goshen	1.13	Teton	1.06
Hot Springs	.99	Uinta	1.02
Johnson	1.06	Washakie	.99
Laramie	1.14	Weston	1.10
Lincoln	1.01		

(2) Where the State Committee determines that State or district weed control laws effect the barley crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If upon delivery of the barley to CCC,

the producer supplies a certificate indicating that the barley complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) Discounts. The discount for barley which grades No. 3 shall be 3 cents per bushel; for No. 4, 6 cents per bushel; and for No. 5, 10 cents per bushel. An additional discount of 10 cents per bushel shall be applied to barley grading "Garlicky." The support rates for "mixed barley" (Class IV) shall be 2 cents per bushel less than the support rates for barley of the Class I, II and III.

§ 601.1559 Warehouse charges. (a) Warehouse receipts and the barley represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. There shall be deducted in computing the amount of the loan or purchase price an amount, determined by the President, CCC, to cover costs of storage from the date of deposit through April 30, 1953. The amounts to be deducted, depending on the date of deposit, will be published as an amendment to this subpart. If the date of deposit is not shown on the warehouse receipt, the date of the warehouse receipt shall be deemed the date of deposit.

(b) Warehouse receipts and the barley represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or the purchase price (except as provided in paragraph (c) (2) of § 601.1560) the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges.

§ 601.1560 Settlement—(a) Farm-storage loans. (1) In the case of barley delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be applied to the grade and quality of the total quantity of barley delivered.

(2) If the barley under farm-storage loan is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the barley placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or qual-



ity placed under loan and the market price of the barley delivered, as determined by CCC.

(3) If farm-stored barley is delivered to CCC prior to April 30, 1953, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced by the applicable rate of storage charges per bushel, determined as set forth in § 601.1559.

(b) *Warehouse-storage loans.* (1) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form: "Full storage charges, not including receiving charges, paid through April 30, 1953, \$-----," a refund in the amount of the smaller of (i) the storage charges prepaid by the producer, or (ii) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA county office.

(2) For barley stored in approved warehouses operated by Eastern common carriers, if the warehouse loan is not redeemed and the supplemental certificate and delivery order contains a statement in substantially the following form: "Full storage charges paid through April 30, 1953, \$-----," a refund will be made to the producer by the PMA county office of the amount of storage deducted at the time the loan was completed plus any elevation charge which was prepaid by the producer.

(c) *Purchase agreement.* (1) (i) Barley delivered to CCC under a purchase agreement must meet the requirements of barley eligible for loan. The purchase rate per bushel of eligible barley shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.1559, except as provided in subparagraph (2) of this paragraph.

(ii) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse receipt or the accompanying supplemental certificate representing barley stored in the warehouse contains a statement in substantially the following form: "Full storage charges, not including receiving charges, paid through April 30, 1953, \$-----," the producer shall be given credit for the smaller of (a) the storage charges prepaid by the producer, or (b) the amount of the warehouse storage charges according to the time of deposit as outlined in § 601.1559 at the time the settlement value of the commodity delivered is determined.

(2) For barley stored in approved warehouses operated by Eastern common carriers, if the supplemental certificate and delivery order representing barley stored in the warehouse contains a statement in substantially the following form: "Full storage charges paid through April 30, 1953, \$-----," no deduction for storage shall be made at the time the settlement value of the commodity delivered is determined. The producer shall be given credit for the

amount of any elevation charge prepaid at the time the settlement value of the commodity delivered is determined, if he presents evidence showing such prepayment.

(d) *Track-loading.* A track-loading payment of 2 cents per bushel shall be made to the producer on barley delivered to CCC on track at a county point.

Issued this 23d day of April 1952.

[SEAL] JOHN H. DEAN,  
Acting Vice President,  
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,  
Acting President,  
Commodity Credit Corporation.

[F. R. Doc. 52-4751; Filed, Apr. 28, 1952;  
8:48 a. m.]

[1952 CCC Grain Price Support Bulletin 1,  
Supp. 1, Rye]

#### PART 601—GRAINS AND RELATED COMMODITIES

##### SUBPART—1952-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1952-crop rye. The 1952 CCC Grain Price Support Bulletin 1 (17 F. R. 3521), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, is supplemented as follows:

Sec.	Purpose.
601.1901	Purpose.
601.1902	Availability of price support.
601.1903	Eligible rye.
601.1904	Warehouse receipts.
601.1905	Determination of quantity.
601.1906	Determination of quality.
601.1907	Maturity of loans.
601.1908	Support rates.
601.1909	Warehouse charges.
601.1910	Settlement.

**AUTHORITY:** §§ 601.1901 to 601.1950 Issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421.

§ 601.1901 *Purpose.* This subpart states additional specific requirements which, together with the general requirements contained in the 1952 CCC Grain Price Support Bulletin 1, apply to loans and purchase agreements under the 1952-Crop Rye Price Support Program.

§ 601.1902 *Availability of price support—(a) Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that rye cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which

keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1953, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing rye in 1952 as landowner, landlord, tenant, or sharecropper.

§ 601.1903 *Eligible rye.* At the time the rye is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rye must have been produced in the continental United States in 1952 by an eligible producer.

(b) The beneficial interest in the rye must be in the person tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested.

(c) Such rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better.

(d) The rye must not grade Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, Weevily or contain in excess of 1 percent ergot, except that rye represented by warehouse receipts grading tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt "That rye grading 'tough' has been processed at the request of the eligible producer, and that delivery will be made of the same country-run quality, quantity, and grade not tough and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(e) If offered as security for a farm-storage loan, the rye must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.1904 *Warehouse receipts.* Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the rye is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight or bushels, (ii) grade (including special grades), (iii) percentage or ergot for rye containing in excess of



## RULES AND REGULATIONS

1/10 of 1 percent of ergot, (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade. The warehouse receipt or supplemental certificate must show whether the rye arrived by rail, truck or barge. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the rye as provided in § 601.1903 (d), the supplemental certificate must show the numerical grade and the grading factors changed because of the rye being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade of rye.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.1903.

(e) Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a statement signed by the warehouseman, which contains the following information and which may be part of the supplemental certificate:

The rye represented by attached warehouse receipt No. \_\_\_\_\_ issued by \_\_\_\_\_ on warehouse located at \_\_\_\_\_ were received by rail freight from \_\_\_\_\_

(Station)  
(County) (State)  
point of origin as evidenced by freight bill described as follows:

Way-bill, date \_\_\_\_\_ No. \_\_\_\_\_  
Car initials and No. \_\_\_\_\_  
Freight bill, date \_\_\_\_\_ No. \_\_\_\_\_  
Origin carrier \_\_\_\_\_  
Full inbound route and junction points \_\_\_\_\_

Transit weight \_\_\_\_\_  
Freight rate in \_\_\_\_\_  
Amount collected \_\_\_\_\_  
Guaranteed transit balance, if any, of through freight to \_\_\_\_\_ of \_\_\_\_\_  
per 100 pounds plus tax of \_\_\_\_\_  
Number unused transit stops \_\_\_\_\_  
Penalty, if any, to guarantee minimum proportional rate on outbound billing or \_\_\_\_\_ cents per 100 pounds \_\_\_\_\_

Where paid-in freight is based on other than domestic interstate freight rate basis, the difference in rates between the freight paid (plus tax), and the domestic interstate freight rate (plus tax), is \_\_\_\_\_

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

(Warehouseman's signature) \_\_\_\_\_

(Address) \_\_\_\_\_

(Date of signature) \_\_\_\_\_

### § 601.1905 Determination of quantity.

(a) The quantity of rye placed under

farm-storage loan may be determined either by weight or by measurement. The quantity of rye placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of 3/4 of a pound for each sack shall be made.

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing	Percent
56 pounds or over.....	100
55 pounds or over, but less than 56 pounds.....	98
54 pound or over, but less than 55 pounds.....	96
53 pounds or over, but less than 54 pounds.....	95
52 pounds or over, but less than 53 pounds.....	92

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

### § 601.1906 Determination of quality.

(a) The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

(b) The quantity of ergot shall be stated in terms of tenths of one percent and where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 601.1907 Maturity of loans. Loans mature on demand but not later than April 30, 1953.

§ 601.1908 Support rates. Basic support rates for rye placed under loan or delivered under a purchase agreement are as set forth in this section.

(a) Basic support rates at designated terminal markets. (1) Basic support rates for rye grading No. 2 or better, or No. 3 or better on the factor of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel
Omaha, Nebraska.....	\$1.60
Sioux City, Iowa.....	1.60
Duluth, Minn.....	1.62
Minneapolis, Minn.....	1.62
Superior, Wis.....	1.62
Kansas City, Mo.....	1.63
St. Joseph, Mo.....	1.63
Chicago, Ill.....	1.67
Milwaukee, Wis.....	1.67
Memphis, Tenn.....	1.68
St. Louis, Mo.....	1.68
Galveston, Tex.....	1.71
Houston, Tex.....	1.71
Astoria, Oreg.....	1.73
Longview, Wash.....	1.73
Los Angeles, Calif.....	1.73
Portland, Oreg.....	1.73
San Francisco, Calif.....	1.73

Terminal market—Continued	Rate per bushel
Seattle, Wash.....	\$1.73
Tacoma, Wash.....	1.73
Vancouver, Wash.....	1.73
Albany, N. Y.....	1.82
Baltimore, Md.....	1.82
New York, N. Y.....	1.82
Norfolk, Va.....	1.82
Philadelphia, Pa.....	1.82

(2) Rye eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any rye shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets will apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, rye for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate minus 8 cents per bushel.

(5) For rye received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the applicable terminal rate as follows:

Terminal located in	Amount of deduction (cents per bushel)
Area I: Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah.....	12 1/2
Area II: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin.....	13
Area III: Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.....	14
Area IV: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.....	14

(b) Support rates for rye in approved warehouse-storage at other than designated terminal markets. (1) The support rate for rye stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be deter-



mined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such rye to such terminal market: *Provided*, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 601.1904.

(c) *Basic county support rates.* (1) The basic county support rates for rye grading No. 2 or better, or No. 3 or better on the factor of test weight only, but otherwise grading No. 2 or better are as follows (Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the rye is stored.):

	Rate per bushel
Alabama	\$1.57
All counties	\$1.57

	Rate per bushel
Arizona	\$1.45
All counties	\$1.45

	Rate per bushel
Arkansas	\$1.43
All counties	\$1.43

County	Rate per bushel	County	Rate per bushel
Glenn	\$1.54	San Joaquin	\$1.59
Kern	1.55	Shasta	1.49
Lassen	1.41	Sierra	1.43
Marin	1.61	Siskiyou	1.42
Merced	1.58	Sonoma	1.60
Modoc	1.39	Stanislaus	1.58
Plumas	1.43	Yuba	1.57
Riverside	1.55		

County	Rate per bushel	County	Rate per bushel
Adams	\$1.32	Kit Carson	\$1.33
Alamosa	1.23	La Plata	1.17
Arapahoe	1.32	Larimer	1.32
Archuleta	1.17	Las Animas	1.31
Baca	1.32	Lincoln	1.32
Bent	1.32	Logan	1.32
Boulder	1.32	Mesa	1.17
Cheyenne	1.33	Moffat	1.17
Conejos	1.22	Montezuma	1.07
Costilla	1.23	Montrose	1.17
Crowley	1.32	Morgan	1.32
Custer	1.23	Otero	1.32
Delta	1.17	Phillips	1.33
Douglas	1.32	Prowers	1.33
Elbert	1.32	Pueblo	1.32
El Paso	1.32	Rio Blanco	1.17
Fremont	1.26	Routt	1.17
Garfield	1.17	San Miguel	1.03
Grand	1.20	Sedgwick	1.32
Gunnison	1.17	Summit	1.20
Huerfano	1.28	Washington	1.32
Jackson	1.03	Weld	1.32
Jefferson	1.32	Yuma	1.32
Kiowa	1.33		

	Rate per bushel
Connecticut	\$1.55
All counties	\$1.55

	Rate per bushel
Delaware	\$1.55
All counties	\$1.55

	Rate per bushel
Florida	\$1.65
All counties	\$1.65

	Rate per bushel
Georgia	\$1.65
All counties	\$1.65

## IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	\$1.35	Gem	\$1.36
Adams	1.33	Gooding	1.31
Bannock	1.26	Idaho	1.41
Bear Lake	1.27	Jefferson	1.25
Benewah	1.43	Jerome	1.30
Bingham	1.25	Kootenai	1.43
Blaine	1.28	Latah	1.43
Boise	1.35	Lemhi	1.26
Bonner	1.41	Lincoln	1.29
Bonneville	1.25	Minidoka	1.29
Boundary	1.39	Nez Perce	1.43
Camas	1.28	Oneida	1.25
Canyon	1.35	Owyhee	1.35
Caribou	1.27	Payette	1.37
Cassia	1.28	Power	1.28
Clark	1.22	Shoshone	1.41
Custer	1.25	Twin Falls	1.27
Franklin	1.25	Valley	1.24
Fremont	1.25	Washington	1.37

## ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	\$1.47	Lee	\$1.49
Alexander	1.49	Livingston	1.49
Bond	1.51	Logan	1.49
Boone	1.49	McDonough	1.46
Brown	1.47	McHenry	1.50
Bureau	1.43	McLean	1.49
Calhoun	1.50	Macon	1.49
Carroll	1.47	Macoupin	1.51
Cass	1.43	Madison	1.52
Champaign	1.49	Marion	1.47
Christian	1.49	Marshall	1.43
Clark	1.43	Mason	1.49
Clay	1.49	Massac	1.43
Clinton	1.51	Menard	1.43
Coles	1.49	Mercer	1.43
Cook	1.51	Monroe	1.51
Crawford	1.47	Montgomery	1.53
Cumberland	1.49	Morgan	1.49
De Kalb	1.50	Moultrie	1.49
De Witt	1.49	Ogle	1.49
Douglas	1.49	Peoria	1.43
Du Page	1.51	Perry	1.49
Edgar	1.43	Piatt	1.49
Edwards	1.48	Pike	1.43
Efingham	1.49	Pope	1.47
Fayette	1.49	Pulaski	1.49
Ford	1.49	Putnam	1.48
Franklin	1.49	Randolph	1.49
Fulton	1.49	Richland	1.43
Gallatin	1.45	Rock Island	1.47
Greene	1.51	Saint Clair	1.51
Grundy	1.50	Saline	1.45
Hamilton	1.48	Sangamon	1.49
Hancock	1.46	Schuyler	1.43
Hardin	1.44	Scott	1.49
Henderson	1.43	Shelby	1.49
Henry	1.47	Stark	1.43
Iroquois	1.49	Stephenson	1.47
Jackson	1.49	Tazewell	1.49
Jasper	1.48	Union	1.49
Jefferson	1.49	Vermilion	1.49
Jersey	1.51	Wabash	1.47
Jo Daviess	1.47	Warren	1.47
Johnson	1.44	Washington	1.49
Kane	1.51	Wayne	1.43
Kankakee	1.51	White	1.46
Kendall	1.51	Whiteside	1.47
Knox	1.47	Will	1.51
Lake	1.52	Williamson	1.49
La Salle	1.49	Winnebago	1.48
Lawrence	1.48	Woodford	1.48

## INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.47	Crawford	\$1.39
Allen	1.46	Daviess	1.43
Bartholomew	1.44	Dearborn	1.46
Benton	1.48	Decatur	1.45
Blackford	1.47	De Kalb	1.47
Boone	1.44	Delaware	1.47
Brown	1.40	Dubois	1.39
Carroll	1.48	Elkhart	1.45
Cass	1.46	Fayette	1.47
Clark	1.43	Floyd	1.43
Clay	1.43	Fountain	1.45
Clinton	1.47	Franklin	1.48

## INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Fulton	\$1.47	Orange	\$1.46
Gibson	1.45	Owen	1.45
Grant	1.46	Parke	1.45
Greene	1.46	Perry	1.36
Hamilton	1.45	Pike	1.42
Hancock	1.47	Porter	1.50
Harrison	1.39	Posey	1.48
Hendricks	1.43	Pulaski	1.49
Henry	1.47	Putnam	1.47
Howard	1.45	Randolph	1.47
Huntington	1.44	Ripley	1.45
Jackson	1.43	Rush	1.47
Jasper	1.50	Saint Joseph	1.47
Jay	1.47	Scott	1.46
Jefferson	1.46	Shelby	1.42
Jennings	1.44	Spencer	1.41
Johnson	1.44	Starke	1.49
Knox	1.46	Steuben	1.47
Kosciusko	1.45	Sullivan	1.49
Lagrange	1.45	Switzerland	1.40
Lake	1.50	Tipppecanoe	1.47
La Porte	1.48	Tipton	1.45
Lawrence	1.45	Union	1.47
Madison	1.47	Vanderburgh	1.49
Marion	1.45	Vermillion	1.50
Marshall	1.46	Vigo	1.50
Martin	1.40	Wabash	1.45
Miami	1.46	Warren	1.43
Monroe	1.47	Warrick	1.39
Montgomery	1.47	Washington	1.46
Morgan	1.47	Wayne	1.47
Newton	1.50	Wells	1.47
Noble	1.45	White	1.50
Ohio	1.39	Whitley	1.45

## IOWA

County	Rate per bushel	County	Rate per bushel
Adair	\$1.41	Jefferson	\$1.44
Adams	1.42	Johnson	1.44
Allamakee	1.42	Jones	1.45
Appanoose	1.44	Koekuk	1.43
Audubon	1.43	Kossuth	1.41
Benton	1.44	Lee	1.46
Black Hawk	1.42	Linn	1.44
Boone	1.40	Louisa	1.45
Bremer	1.41	Lucas	1.42
Buchanan	1.43	Lyon	1.39
Buena Vista	1.39	Madison	1.41
Butler	1.41	Mahaska	1.42
Calhoun	1.40	Marion	1.42
Carroll	1.42	Marshall	1.42
Cass	1.42	Mills	1.45
Cedar	1.45	Mitchell	1.42
Cerro Gordo	1.41	Monona	1.43
Cherokee	1.41	Monroe	1.43
Chickasaw	1.41	Montgomery	1.44
Clarke	1.42	Muscatine	1.45
Clay	1.40	O'Brien	1.40
Clayton	1.43	Osceola	1.40
Clinton	1.46	Page	1.44
Crawford	1.43	Palo Alto	1.40
Dallas	1.40	Plymouth	1.41
Davis	1.45	Pocahontas	1.39
Decatur	1.42	Polk	1.41
Delaware	1.43	Pottawattamie	1.45
Des Moines	1.46	Poweshiek	1.42
Dickinson	1.40	Ringgold	1.41
Dubuque	1.45	Sac	1.41
Emmet	1.41	Scott	1.46
Fayette	1.43	Shelby	1.44
Floyd	1.41	Sioux	1.40
Franklin	1.40	Story	1.41
Fremont	1.45	Tama	1.42
Greene	1.41	Taylor	1.41
Grundy	1.41	Union	1.41
Guthrie	1.41	Van Buren	1.45
Hamilton	1.40	Wapello	1.43
Hancock	1.41	Warren	1.42
Hardin	1.41	Washington	1.44
Harrison	1.45	Wayne	1.43
Henry	1.45	Webster	1.40
Howard	1.41	Winnebago	1.42
Humboldt	1.40	Winneshek	1.42
Ida	1.41	Woodbury	1.42
Iowa	1.43	Worth	1.42
Jackson	1.45	Wright	1.40
Jasper	1.42		



## RULES AND REGULATIONS

## KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	\$1.44	Linn	\$1.45
Anderson	1.45	Logan	1.36
Atchison	1.47	Lyon	1.43
Barber	1.39	McPherson	1.40
Barton	1.39	Marion	1.40
Bourbon	1.45	Marshall	1.43
Brown	1.45	Meade	1.36
Butler	1.40	Miami	1.47
Chase	1.42	Mitchell	1.40
Chautauqua	1.43	Montgomery	1.43
Cherokee	1.43	Morris	1.42
Cheyenne	1.35	Morton	1.33
Clay	1.42	Nemaha	1.44
Cloud	1.41	Neosho	1.44
Coffey	1.44	Ness	1.38
Comanche	1.37	Norton	1.38
Cowley	1.40	Osage	1.44
Crawford	1.44	Osborne	1.40
Decatur	1.37	Ottawa	1.40
Dickinson	1.40	Pawnee	1.39
Doniphan	1.45	Phillips	1.39
Douglas	1.47	Pottawatomie	1.44
Edwards	1.39	Pratt	1.39
Elk	1.42	Rawlins	1.36
Ellis	1.39	Reno	1.40
Ellsworth	1.40	Republic	1.41
Finney	1.36	Rice	1.40
Ford	1.37	Riley	1.43
Franklin	1.47	Rooks	1.39
Geary	1.43	Rush	1.39
Gove	1.37	Russell	1.39
Graham	1.38	Saline	1.40
Grant	1.35	Scott	1.36
Gray	1.36	Sedgwick	1.40
Greenwood	1.43	Seward	1.35
Hamilton	1.35	Shawnee	1.45
Harper	1.40	Sheridan	1.37
Harvey	1.40	Sherman	1.35
Haskell	1.36	Smith	1.40
Hodgeman	1.38	Stafford	1.39
Jackson	1.45	Stanton	1.34
Jefferson	1.47	Stevens	1.34
Jewell	1.40	Sumner	1.40
Johnson	1.48	Trego	1.38
Kearney	1.35	Wabaunsee	1.44
Kingman	1.40	Wallace	1.35
Kiowa	1.39	Washington	1.42
Labette	1.43	Wilson	1.43
Lane	1.37	Woodson	1.44
Leavenworth	1.48	Wyandotte	1.49
Lincoln	1.40		

## KENTUCKY

All counties.....\$1.55

## LOUISIANA

All counties.....\$1.45

## MAINE

All counties.....\$1.55

## MARYLAND

All counties.....\$1.55

## MASSACHUSETTS

All counties.....\$1.55

## MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	\$1.39	Delta	\$1.38
Alger	1.36	Dickinson	1.39
Alegan	1.43	Eaton	1.42
Alpena	1.39	Emmet	1.37
Antrim	1.38	Genesee	1.47
Arenac	1.40	Gladwin	1.39
Baraga	1.36	Gogebic	1.38
Barry	1.42	Grand Travers	
Bay	1.44	erse	1.39
Benzie	1.40	Gratiot	1.42
Berrien	1.46	Hillsdale	1.47
Branch	1.43	Houghton	1.34
Calhoun	1.44	Huron	1.44
Cass	1.46	Ingham	1.44
Charlevoix	1.37	Ionia	1.43
Cheboygan	1.38	Iosco	1.40
Chippewa	1.33	Iron	1.37
Clare	1.40	Isabella	1.42
Clinton	1.42	Jackson	1.46
Crawford	1.40	Kalamazoo	1.45

## MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Kalkaska	\$1.39	Oakland	\$1.48
Kent	1.42	Oceana	1.42
Lake	1.42	Ogemaw	1.40
Lapeer	1.47	Ontonagon	1.36
Leelanau	1.38	Osceola	1.41
Lenawee	1.49	Oscola	1.40
Livingston	1.47	Otsego	1.38
Luce	1.33	Ottawa	1.42
Mackinac	1.33	Presque Isle	1.39
Macomb	1.50	Roscommon	1.40
Manistee	1.40	Saginaw	1.45
Marquette	1.37	Saint Clair	1.49
Mason	1.42	Saint Joseph	1.44
Mecona	1.42	Sanilac	1.47
Menominee	1.40	Schoolcraft	1.34
Midland	1.40	Shiawassee	1.45
Missaukee	1.39	Tuscola	1.46
Monroe	1.50	Van Buren	1.44
Montcalm	1.41	Washtenaw	1.48
Montmorency	1.38	Wayne	1.48
Muskegon	1.41	Wexford	1.39
Newaygo	1.40		

## MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	\$1.45	Martin	\$1.42
Anoka	1.48	Meeker	1.46
Becker	1.40	Millie Lacs	1.45
Beltrami	1.41	Morrison	1.44
Benton	1.44	Mower	1.43
Big Stone	1.41	Murray	1.41
Blue Earth	1.44	Nicollet	1.45
Brown	1.44	Nobles	1.40
Carlton	1.46	Norman	1.39
Clay	1.40	Olmsted	1.44
Clearwater	1.40	Otter Tail	1.42
Cottonwood	1.42	Pennington	1.38
Crow Wing	1.43	Pine	1.45
Chisago	1.46	Pipestone	1.41
Clay	1.40	Polk	1.39
Clearwater	1.40	Pope	1.43
Cottonwood	1.42	Ramsey	1.48
Crow Wing	1.43	Red Lake	1.40
Dakota	1.48	Redwood	1.43
Dodge	1.44	Renville	1.44
Douglas	1.43	Rice	1.46
Faribault	1.42	Rock	1.40
Fillmore	1.41	Roseau	1.37
Freeborn	1.43	Saint Louis	1.44
Goodhue	1.45	Scott	1.47
Grant	1.42	Sherburne	1.47
Hennepin	1.48	Sibley	1.45
Houston	1.41	Stearns	1.44
Hubbard	1.41	Steele	1.44
Isanti	1.46	Stevens	1.42
Itasca	1.44	Swift	1.43
Jackson	1.41	Todd	1.43
Kanabec	1.45	Traverse	1.41
Kandiyohi	1.45	Wabasha	1.45
Kittson	1.36	Wadena	1.43
Koochiching	1.37	Waseca	1.44
Lac qui Parle	1.41	Washington	1.48
Lake of the Woods	1.38	Watsonwan	1.43
Le Sueur	1.46	Winona	1.44
Lincoln	1.41	Wright	1.47
Lyon	1.42	Yellow Medicine	1.43
McLeod	1.46		
Mahnomen	1.39		
Marshall	1.38		

## MISSISSIPPI

All counties.....\$1.56

## MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	\$1.46	Camden	\$1.45
Andrew	1.46	Cape Girardeau	1.47
Atchison	1.43	Carroll	1.45
Audrain	1.48	Carter	1.39
Berry	1.42	Cass	1.47
Barton	1.44	Cedar	1.45
Bates	1.46	Chariton	1.46
Benton	1.44	Christian	1.42
Bollinger	1.49	Clark	1.46
Boone	1.48	Clay	1.47
Buchanan	1.46	Clinton	1.46
Butler	1.46	Cole	1.47
Caldwell	1.46	Cooper	1.46
Callaway	1.48		

## MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Crawford	\$1.49	New Madrid	\$1.45
Dade	1.43	Newton	1.42
Dallas	1.43	Nodaway	1.44
Davies	1.45	Oregon	1.39
DeKalb	1.46	Osage	1.48
Dent	1.47	Pemiscot	1.44
Douglas	1.41	Perry	1.49
Dunklin	1.44	Pettis	1.44
Franklin	1.51	Phelps	1.48
Gasconade	1.49	Pike	1.48
Gentry	1.45	Platte	1.43
Greene	1.43	Polk	1.43
Grundy	1.44	Pulaski	1.46
Harrison	1.44	Putnam	1.43
Henry	1.46	Ralls	1.43
Hickory	1.44	Randolph	1.47
Holt	1.44	Ray	1.46
Howard	1.47	Reynolds	1.46
Howell	1.39	Ripley	1.45
Iron	1.49	Saint Charles	1.54
Jackson	1.48	Saint Clair	1.45
Jasper	1.43	Sainte Genevieve	1.50
Jefferson	1.52	Saint Francois	1.50
Johnson	1.46	Saint Louis	1.54
Knox	1.46	Saline	1.45
Laclede	1.45	Schuyler	1.45
La Fayette	1.46	Scotland	1.46
Lawrence	1.42	Scott	1.46
Lewis	1.47	Shannon	1.39
Lincoln	1.51	Shelby	1.47
Linn	1.45	Stoddard	1.46
Livingston	1.45	Stone	1.41
McDonald	1.42	Sullivan	1.43
Macon	1.46	Taney	1.40
Madison	1.48	Texas	1.40
Maries	1.43	Vernon	1.45
Marion	1.43	Warren	1.52
Mercer	1.43	Washington	1.50
Miller	1.46	Wayne	1.47
Mississippi	1.44	Webster	1.43
Moniteau	1.46	Worth	1.43
Monroe	1.47	Wright	1.41
Montgomery	1.50		
Morgan	1.45		

## MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	\$1.21	Madison	\$1.29
Big Horn	1.17	Meagher	1.29
Blaine	1.24	Mineral	1.33
Broadwater	1.29	Missoula	1.32
Carbon	1.26	Musselshell	1.27
Carter	1.26	Park	1.29
Cascade	1.29	Petroleum	1.29
Chouteau	1.29	Phillips	1.24
Custer	1.24	Pondera	1.29
Daniels	1.22	Powder River	1.22
Dawson	1.25	Powell	1.29
Deer Lodge	1.29	Prairie	1.24
Fallon	1.25	Ravalli	1.30
Fergus	1.29	Richland	1.25
Flathead	1.33	Roosevelt	1.25
Gallatin	1.29	Rosebud	1.22
Garfield	1.23	Sanders	1.34
Glacier	1.30	Sheridan	1.24
Golden Valley	1.28	Silver Bow	1.29
Granite	1.30	Stillwater	1.28
Hill	1.29	Sweet Grass	1.28
Jefferson	1.29	Teton	1.27
Judith Basin	1.29	Toole	1.29
Lake	1.33	Treasure	1.24
Lewis and Clark	1.29	Valley	1.22
Liberty	1.29	Wheatland	1.29
Lincoln	1.35	Wibaux	1.26
McCone	1.23	Yellowstone	1.27

## NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.40	Butler	\$1.43
Antelope	1.40	Cass	1.45
Arthur	1.32	Cedar	1.39
Banner	1.29	Chase	1.33
Blaine	1.36	Cheyenne	1.32
Boone	1.41	Clay	1.40
Box Butte	1.31	Colefax	1.43
Boyd	1.37	Cumming	1.45
Brown	1.35	Custer	1.37
Buffalo	1.39	Dakota	1.41
Burt	1.44		



## NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Dawes	\$1.29	McPherson	\$1.34
Dawson	1.37	Madison	1.41
Deuel	1.32	Merrick	1.41
Dixon	1.41	Morrill	1.31
Dodge	1.44	Nance	1.41
Douglas	1.45	Nemaha	1.43
Dundy	1.33	Nuckolls	1.40
Fillmore	1.42	Otoe	1.44
Franklin	1.39	Pawnee	1.43
Frontier	1.37	Perkins	1.34
Furnas	1.38	Phelps	1.39
Gage	1.43	Pierce	1.40
Garden	1.32	Platte	1.42
Garfield	1.38	Polk	1.42
Gosper	1.38	Red Willow	1.37
Grant	1.32	Richardson	1.44
Greely	1.40	Rock	1.36
Hall	1.40	Saline	1.43
Hamilton	1.41	Sarpy	1.45
Harlan	1.39	Saunders	1.44
Hayes	1.34	Scotts Bluff	1.29
Hitchcock	1.35	Seward	1.43
Holt	1.39	Sheridan	1.31
Hooker	1.34	Sherman	1.39
Howard	1.40	Sioux	1.29
Jefferson	1.42	Stanton	1.42
Johnson	1.43	Thayer	1.42
Kearney	1.39	Thomas	1.35
Keith	1.32	Thurston	1.43
Keya Paha	1.36	Valley	1.38
Kimball	1.32	Washington	1.45
Knox	1.38	Wayne	1.40
Lancaster	1.44	Webster	1.40
Lincoln	1.34	Wheeler	1.41
Logan	1.36	York	1.42
Loup	1.38		

## NEVADA

All counties.....\$1.35

## NEW HAMPSHIRE

All counties.....\$1.55

## NEW JERSEY

All counties.....\$1.55

## NEW MEXICO

All counties.....\$1.30

## NEW YORK

All counties.....\$1.56

## NORTH CAROLINA

All counties.....\$1.60

## NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.30	McLean	\$1.32
Barnes	1.38	Mercer	1.30
Benson	1.34	Morton	1.32
Billings	1.30	Mountrail	1.30
Bottineau	1.31	Nelson	1.36
Bowman	1.29	Oliver	1.32
Burke	1.30	Pembina	1.35
Burleigh	1.34	Pierce	1.34
Cass	1.39	Ramsey	1.35
Cavaller	1.34	Ransom	1.38
Dickey	1.37	Renville	1.30
Divide	1.28	Richland	1.40
Dunn	1.30	Rolette	1.33
Eddy	1.35	Sargent	1.39
Emmons	1.33	Sheridan	1.34
Foster	1.36	Sioux	1.31
Golden Valley	1.27	Slope	1.27
Grand Forks	1.37	Stark	1.30
Grant	1.31	Steele	1.38
Griggs	1.37	Stutsman	1.37
Hettinger	1.30	Towner	1.34
Kidder	1.35	Trall	1.38
Lamoure	1.36	Walsh	1.36
Logan	1.35	Ward	1.31
McHenry	1.33	Wells	1.35
McIntosh	1.34	Williams	1.29
McKenzie	1.27		

## OHIO

Adams	\$1.49	Athens	\$1.50
Allen	1.50	Auglaize	1.49
Ashland	1.51	Belmont	1.52
Ashtabula	1.54	Brown	1.49

## OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Butler	\$1.49	Madison	\$1.49
Carroll	1.51	Mahoning	1.53
Champaign	1.49	Marion	1.50
Clark	1.49	Medina	1.51
Clermont	1.49	Meigs	1.49
Clinton	1.49	Mercer	1.49
Columbiana	1.52	Miami	1.49
Coshocton	1.51	Monroe	1.52
Crawford	1.51	Montgomery	1.49
Cuyahoga	1.51	Morgan	1.51
Darke	1.49	Morrow	1.50
Defiance	1.49	Muskingum	1.51
Delaware	1.50	Noble	1.51
Erie	1.50	Ottawa	1.50
Fairfield	1.50	Paulding	1.49
Fayette	1.49	Perry	1.50
Franklin	1.50	Pickaway	1.50
Fulton	1.49	Pike	1.49
Gallia	1.49	Portage	1.51
Geauga	1.54	Preble	1.49
Greene	1.49	Putnam	1.49
Guernsey	1.51	Richland	1.51
Hamilton	1.49	Ross	1.49
Hancock	1.50	Sandusky	1.50
Hardin	1.50	Scioto	1.49
Harrison	1.51	Seneca	1.50
Henry	1.49	Shelby	1.49
Highland	1.49	Stark	1.51
Hocking	1.50	Summit	1.51
Holmes	1.51	Trumbull	1.54
Huron	1.51	Tuscarawas	1.51
Jackson	1.49	Union	1.50
Jefferson	1.51	Van Wert	1.49
Knox	1.51	Vinton	1.50
Lake	1.52	Warren	1.49
Lawrence	1.49	Washington	1.51
Licking	1.51	Wayne	1.51
Logan	1.49	Williams	1.49
Lorain	1.51	Wood	1.50
Lucas	1.50	Wyandot	1.50

## OKLAHOMA

Adair	\$1.38	Le Flore	\$1.34
Alfalfa	1.37	Lincoln	1.34
Atoka	1.31	Logan	1.35
Beaver	1.32	Love	1.31
Beckham	1.31	McClain	1.31
Blaine	1.33	McCurtain	1.31
Bryan	1.31	McIntosh	1.37
Caddo	1.31	Major	1.34
Canadian	1.32	Marshall	1.31
Carter	1.31	Mayes	1.40
Cherokee	1.38	Murray	1.31
Choctaw	1.31	Muskogee	1.37
Cimarron	1.31	Noble	1.37
Cleveland	1.31	Nowata	1.42
Coal	1.31	Oklfuskee	1.35
Comanche	1.31	Oklahoma	1.32
Cotton	1.31	Oklmulgee	1.37
Craig	1.42	Osage	1.39
Creek	1.37	Ottawa	1.42
Custer	1.31	Pawnee	1.37
Delaware	1.38	Payne	1.35
Dewey	1.31	Pittsburg	1.34
Ellis	1.31	Pontotoc	1.32
Garfield	1.37	Pottawatomie	1.32
Garvin	1.31	Pushmataha	1.31
Grady	1.31	Roger Mills	1.30
Grant	1.37	Rogers	1.40
Greer	1.31	Seminole	1.33
Harmon	1.31	Sequoyah	1.37
Harper	1.33	Stephens	1.31
Haskell	1.36	Texas	1.31
Hughes	1.34	Tillman	1.31
Jackson	1.31	Tulsa	1.40
Jefferson	1.31	Wagoner	1.39
Johnston	1.31	Washington	1.42
Kay	1.38	Washita	1.31
Kingfisher	1.33	Woods	1.36
Kiowa	1.31	Woodward	1.33
Latimer	1.34		

## OREGON

Baker	\$1.42	Coos	\$1.48
Benton	1.55	Crook	1.50
Clackamas	1.59	Curry	1.47
Clatsop	1.55	Deschutes	1.50
Columbia	1.57	Douglas	1.49

## OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Gilliam	\$1.56	Marion	\$1.58
Grant	1.55	Morrow	1.55
Harney	1.32	Multnomah	1.60
Hood River	1.53	Polk	1.57
Jackson	1.44	Sherman	1.57
Jefferson	1.52	Tillamook	1.60
Josephine	1.45	Umatilla	1.49
Klamath	1.44	Union	1.42
Lake	1.35	Wallowa	1.41
Lane	1.54	Wasco	1.57
Lincoln	1.51	Washington	1.59
Linn	1.56	Wheeler	1.55
Malheur	1.35	Yamhill	1.57

## PENNSYLVANIA

All counties.....\$1.55

## RHODE ISLAND

All counties.....\$1.55

## SOUTH CAROLINA

All counties.....\$1.65

## SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	\$1.36	Hyde	\$1.36
Beadle	1.33	Jackson	1.29
Bennett	1.32	Jerauld	1.37
Bon Homme	1.39	Jones	1.31
Brookings	1.40	Kingsbury	1.39
Brown	1.33	Lake	1.39
Brule	1.36	Lawrence	1.26
Buffalo	1.36	Lincoln	1.40
Butte	1.26	Lyman	1.33
Campbell	1.34	McCook	1.39
Charles Mix	1.37	McPherson	1.36
Clark	1.39	Marshall	1.38
Clay	1.41	Meade	1.28
Codington	1.40	Mellette	1.34
Corson	1.32	Miner	1.39
Custer	1.28	Minnehaha	1.39
Davison	1.37	Moody	1.40
Day	1.39	Pennington	1.28
Deuel	1.40	Perkins	1.30
Dewey	1.31	Potter	1.35
Douglas	1.37	Roberts	1.39
Edmunds	1.36	Sanborn	1.37
Fall River	1.28	Spink	1.38
Faulk	1.37	Stanley	1.34
Grant	1.40	Sully	1.34
Gregory	1.37	Todd	1.35
Haakon	1.30	Tripp	1.35
Hamlin	1.40	Turner	1.39
Hand	1.37	Union	1.41
Hanson	1.38	Walworth	1.34
Harding	1.29	Washabaugh	1.29
Hughes	1.35	Yankton	1.40
Hutchinson	1.38	Ziebach	1.29

## TENNESSEE

All counties.....\$1.57

## TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	\$1.35	Dickens	\$1.35
Armstrong	1.35	Donley	1.35
Bailey	1.35	Eastland	1.39
Baylor	1.35	Fannin	1.39
Bosque	1.42	Floyd	1.35
Bowie	1.39	Foard	1.35
Briscoe	1.35	Gillespie	1.39
Brown	1.39	Gray	1.34
Callahan	1.36	Grayson	1.39
Carson	1.35	Hale	1.35
Cass	1.40	Hall	1.35
Castro	1.35	Hamilton	1.41
Childress	1.35	Hansford	1.32
Clay	1.36	Hardeman	1.35
Cochran	1.35	Hartley	1.32
Collin	1.41	Haskell	1.35
Collingsworth	1.35	Hemphill	1.32
Comanche	1.39	Hockley	1.35
Concho	1.39	Hood	1.40
Cottle	1.35	Hunt	1.40
Dallam	1.31	Jack	1.39
Deaf Smith	1.35	Johnson	1.42
Denton	1.40	Jones	1.35
		Knox	1.35



## RULES AND REGULATIONS

## TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Lamb	\$1.35	Potter	\$1.35
Lampasas	1.42	Randall	1.35
Limestone	1.48	Roberts	1.33
Lubbock	1.35	Runnels	1.35
McCulloch	1.39	San Saba	1.41
McLennan	1.46	Sherman	1.31
Mason	1.39	Smith	1.43
Montague	1.37	Stonewall	1.35
Moore	1.32	Swisher	1.35
Motley	1.35	Tarrant	1.41
Nolan	1.35	Taylor	1.35
Ochiltree	1.32	Wheeler	1.34
Oldham	1.35	Wichita	1.35
Palo Pinto	1.39	Wilbarger	1.35
Parker	1.40	Wise	1.39
Parmer	1.34	Young	1.35

## UTAH

All counties.....\$1.30

## VERMONT

All counties.....\$1.55

## VIRGINIA

All counties.....\$1.55

## WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	\$1.45	Lewis	\$1.55
Asotin	1.43	Lincoln	1.44
Benton	1.50	Mason	1.51
Chelan	1.48	Okanogan	1.44
Clallam	1.50	Pacific	1.51
Clark	1.60	Pend Oreille	1.42
Columbia	1.48	Pierce	1.60
Cowlitz	1.59	San Juan	1.52
Douglas	1.44	Skagit	1.57
Ferry	1.37	Skamania	1.60
Franklin	1.47	Snohomish	1.57
Garfield	1.48	Spokane	1.44
Grant	1.45	Stevens	1.40
Grays Harbor	1.53	Thurston	1.56
Island	1.57	Walla Walla	1.49
Jefferson	1.50	Whatcom	1.54
King	1.60	Whitman	1.44
Kittitas	1.51	Yakima	1.50
Klickitat	1.57		

## WEST VIRGINIA

All counties.....\$1.55

## WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	\$1.44	Marathon	\$1.43
Ashland	1.42	Marquette	1.42
Barron	1.43	Marquette	1.45
Bayfield	1.43	Milwaukee	1.52
Brown	1.45	Monroe	1.44
Buffalo	1.43	Oconto	1.43
Burnett	1.45	Oneida	1.41
Calumet	1.48	Outagamie	1.45
Chippewa	1.42	Ozaukee	1.47
Clark	1.42	Pepin	1.44
Columbia	1.46	Pierce	1.46
Crawford	1.43	Polk	1.46
Dane	1.47	Portage	1.44
Dodge	1.47	Price	1.41
Door	1.42	Racine	1.53
Douglas	1.46	Richland	1.45
Dunn	1.44	Rock	1.48
Eau Claire	1.44	Rusk	1.42
Florence	1.41	Saint Croix	1.46
Fond Du Lac	1.47	Sauk	1.45
Forest	1.41	Sawyer	1.43
Grant	1.44	Shawano	1.44
Green	1.47	Sheboygan	1.47
Greenlake	1.46	Taylor	1.41
Iowa	1.45	Trempealeau	1.42
Iron	1.41	Vernon	1.43
Jackson	1.43	Vilas	1.38
Jefferson	1.48	Walworth	1.49
Juneau	1.45	Washburn	1.44
Kenosha	1.52	Washington	1.47
Kewaunee	1.43	Waukesha	1.48
LaCrosse	1.43	Waupaca	1.44
LaFayette	1.45	Waushara	1.45
Langlade	1.42	Winnebago	1.46
Lincoln	1.41	Wood	1.44
Manitowoc	1.46		

## WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	\$1.18	Natrona	\$1.18
Big Horn	1.11	Niobrara	1.25
Campbell	1.22	Park	1.11
Carbon	1.14	Platte	1.25
Converse	1.21	Sheridan	1.19
Crook	1.23	Sublette	1.18
Fremont	1.12	Sweetwater	1.18
Goshen	1.23	Teton	1.25
Hot Springs	1.11	Uinta	1.21
Johnson	1.20	Washakie	1.11
Laramie	1.29	Weston	1.25
Lincoln	1.19		

(2) Where the State Committee determines that State or district weed control laws effect the rye crop, the support rate will be 10 cents below the applicable county support rate as set forth in the schedule above. If upon delivery of the rye to CCC, the producer supplies a certificate indicating that the rye complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) Discount for ergot. Rye containing more than  $\frac{1}{10}$  of 1 percent but not more than 1 percent ergot, shall be discounted 1 cent per bushel for each  $\frac{1}{10}$  of 1 percent in excess of  $\frac{3}{10}$  of 1 percent ergot.

§ 601.1909 Warehouse charges. (a) Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. There shall be deducted in computing the amount of the loan or purchase price an amount, determined by the President, CCC, to cover costs of storage from the date of deposit through April 30, 1953. The amounts to be deducted, depending on the date of deposit, will be published as an amendment to this subpart. If the date of deposit is not shown on the warehouse receipt, the date of the warehouse receipt shall be deemed the date of deposit.

(b) Warehouse receipts and the rye represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price (except as provided in paragraph (c) (2) of § 601.1910, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges.

§ 601.1910 Settlement — (a) Farm-storage loans. (1) In the case of rye delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be for the grade and

quality of the total quantity of rye delivered.

(2) If the rye under farm-storage loan is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the rye delivered, as determined by CCC.

(3) If farm-stored rye is delivered to CCC prior to April 30, 1953, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced as set forth in § 601.1909.

(b) Warehouse-storage loans. (1) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form: "Full storage charges, not including receiving charges, paid through April 30, 1953, \$-----," a refund in the amount of the smaller of (i) the storage charges prepaid by the producer, or (ii) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA county office.

(2) For rye stored in approved warehouses operated by Eastern common carriers, if the warehouse loan is not redeemed and the supplemental certificate and delivery order contains a statement in substantially the following form: "Full storage charges paid through April 30, 1953, \$-----," a refund will be made to the producer by the PMA county office of the amount of storage deducted at the time the loan was completed plus any elevation charge which was prepaid by the producer.

(c) Purchase agreement. (1) (i) Rye delivered to CCC under a purchase agreement must meet the requirements of rye eligible for loan. The purchase rate per bushel of eligible rye shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.1909, except as provided in subparagraph (2) of this paragraph.

(ii) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse receipt or the accompanying supplemental certificate representing rye stored in the warehouse contains a statement in substantially the following form "Full storage charges, not including receiving charges, paid through April 30, 1953, \$-----," the producer shall be given credit for the smaller of (a) the storage charges prepaid by the producer, or (b) the amount of the warehouse storage charges determined according to the time of deposit as outlined in § 601.1909 at the time the settlement value of the commodity delivered is determined.

(2) For rye stored in approved warehouses operated by Eastern common carriers, if the supplemental certificate and delivery order representing rye stored in



the warehouse contains a statement in substantially the following form: "Full storage charges paid through April 30, 1953, \$-----," no deduction for storage shall be made from the support rate at the time the settlement value of the commodity delivered is determined. The producer shall be given credit for the amount of any elevation charge prepaid at the time the settlement value of the commodity delivered is determined, if he presents evidence showing such prepayment.

(d) *Track-loading.* A track-loading payment of 2 cents per bushel shall be made to the producer on rye delivered to CCC on track at a country point.

Issued this 23d day of April 1952.

[SEAL] W. E. UNDERHILL,  
Acting Vice President,  
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,  
Acting President,  
Commodity Credit Corporation.

[F. R. Doc. 52-4750; Filed, Apr. 28, 1952;  
8:43 a. m.]

[1952 C. C. C. Grain Price Support Bulletin 1,  
Supp. 1, Grain Sorghums]

#### PART 601—GRAINS AND RELATED COMMODITIES

##### SUBPART—1952-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

###### Correction

In F. R. Doc. 52-4578, appearing at page 3573 of the issue for Wednesday, April 23, 1952, the following change should be made:

In the table in § 601.1758 (e) (1), the rate per hundredweight for Hardeman County, Texas, should read "2.33" instead of "2.38".

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

#### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

##### SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS<sup>1</sup>

###### FROZEN LIMA BEANS

A notice of proposed rule making was published on April 27, 1951, in the FEDERAL REGISTER (16 F. R. 3621) regarding proposed United States Standards for Grades of Frozen Lima Beans. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Lima Beans are hereby promul-

<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

gated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

§ 52.172 *Frozen lima beans.* (a) Frozen lima beans are prepared from the fresh immature seed of varieties of lima beans (*Phaseolus lunatus*) by shelling, washing, and blanching, and are then frozen and stored at temperatures necessary for the preservation of the product.

(b) *Types of frozen lima beans.* (1) "Thin-seeded," such as Henderson Bush and Thorogreen varieties.

(2) "Thick-seeded," such as Fordhook variety.

(3) "Thick-seeded Baby Potato," such as Baby Potato, Baby Fordhook, and Evergreen.

(c) *Grades of frozen lima beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a good flavor and odor; that are tender; that possess a good color; that are practically free from defects; and that score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a good flavor and odor; that are reasonably tender; that possess a reasonably good color; that are reasonably free from defects; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a fairly good flavor and odor; that are fairly tender; that possess a fairly good color; that are fairly free from defects; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of frozen lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Ascertaining the grade.* (1) The grade of frozen lima beans is ascertained by considering in conjunction with the other requirements of the respective grade the respective ratings for the factors of color and absence of defects.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	Points
(1) Color .....	60
(2) Absence of defects .....	40
Total score .....	100

(3) The scores for the factors of color and absence of defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The tenderness and flavor and odor of frozen lima beans are determined after the product is cooked.

(4) "Good flavor and odor" means that the product after cooking has a

good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "54 to 60 points" means 54, 55, 56, 57, 58, 59, or 60 points).

(1) *Color.* Spotted or otherwise discolored lima beans are considered under the factor, absence of defects, and therefore are not considered in evaluating the factor of color.

"Green" with respect to thin-seeded and thick-seeded types means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color than Plate 18, K-5, as illustrated in Maerz and Paul's Dictionary of Color.

"Green" with respect to thick-seeded baby potato type means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color than Plate 18, J-3, as illustrated in Maerz and Paul's Dictionary of Color.

"White" means that more than 50 percent of the surface area of the individual lima bean possesses less green color than Plate 18, E-1, as illustrated in Maerz and Paul's Dictionary of Color.

(i) Frozen lima beans that possess a good color may be given a score of 54 to 60 points. "Good color" means that the lima beans possess a bright typical color, and with respect to thin-seeded type, with skins removed, and thick-seeded baby potato type, with skins on, not less than 97 percent, by count, are green lima beans, or 93 percent, by count, may be green lima beans: *Provided*, That not more than 1 percent, by count, of all the beans may be white, and with respect to thick-seeded type, with skins on, not less than 85 percent, by count, are green lima beans, and the remainder may be lighter in color: *Provided*, That not more than 1 percent, by count, of all the beans may be white.

(ii) If the frozen lima beans possess a reasonably good color a score of 48 to 53 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the lima beans possess a typical color and with respect to thin-seeded type, with skins removed, and thick-seeded baby potato type, with skins on, not less than 65 percent, by count, are green lima beans, and with respect to thick-seeded type, with skins on, not less than 60 percent, by count, are green lima beans, and the remainder may be lighter in color: *Provided*, That not more than 5 percent, by count, of all the beans may be white.

<sup>2</sup> First edition.



(iii) Frozen lima beans that possess a fairly good color may be given a score of 42 to 47 points. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the lima beans possess a typical color, and with respect to thin-seeded type, with skins removed, and thick-seeded baby potato type, with skins on, less than 65 percent, by count, are green lima beans, and with respect to thick-seeded type, with skins on, less than 60 percent, by count, are green lima beans; *Provided*, That not more than 20 percent, by count, of all the beans may be white.

(iv) Frozen lima beans that are definitely off color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 41 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from broken units, mashed units, loose skins, shriveled beans, sprouted beans, and from beans that show light discoloration or that are blemished or seriously blemished.

(a) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(b) "Unit" means two cotyledons and a skin, or portion thereof, whether or not attached or combined as a whole bean. A single whole skin or pieces of loose skin aggregating the equivalent of a whole skin will be considered as one-third of a unit. A cotyledon or portion of cotyledons aggregating the equivalent of a cotyledon will be considered as one-third of a unit.

(c) A "broken unit" means a bean from which either cotyledon, or portion thereof, has become detached and any such parts of the bean that have become separated from the whole bean.

(d) "Mashed units" means beans that are crushed to the extent that their appearance is seriously affected.

(e) "Loose skin" means skins or portions of skins which have become separated wholly from the cotyledons.

(f) "Light discoloration" means discoloration of the hilum or other light discoloration which slightly affects but does not materially affect the appearance of the bean.

(g) "Blemished" means blemished by discoloration, pathological injury, insect injury, or blemished by other means, other than light discoloration which is not considered blemished, to such an extent that the aggregate blemished area materially affects the appearance of the bean.

(h) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of the bean.

(i) "Shriveled" means lima beans that are materially wrinkled and are not of normal plumpness.

(ii) "Sprouted" means lima beans that show an external shoot protruding beyond the cotyledon or skin.

(iii) Frozen lima beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that for each 10 ounces there may be present one large piece of extraneous vegetable matter or pieces having an aggregate area of not more than  $\frac{3}{16}$  square inch ( $\frac{1}{2}$ " x  $\frac{3}{8}$ ") on one surface of the piece or pieces; and there may be present not more than 5 percent, by count, of loose skins and broken and mashed units; not more than 1 percent, by count, of shriveled and sprouted beans; not more than 2 percent, by count, of blemished and seriously blemished beans; *Provided*, That not more than  $\frac{1}{2}$  of 1 percent, by count, of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not more than slightly affect the appearance of the product.

(iv) If the frozen lima beans are reasonably free from defects a score of 32 to 35 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 10 ounces there may be present one large piece of extraneous vegetable matter or pieces having an aggregate area of more than  $\frac{3}{16}$  square inch but not more than  $\frac{3}{8}$  square inch ( $\frac{1}{2}$ " x  $\frac{3}{4}$ ") on one surface of the piece or pieces; and there may be present not more than 10 percent, by count, of loose skins and broken and mashed units; not more than 4 percent, by count, of shriveled and sprouted beans; not more than 3 percent, by count, of blemished and seriously blemished beans; *Provided*, That not more than 1 percent, by count, of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not materially affect the appearance of the product.

(v) Frozen lima beans that are fairly free from defects may be given a score of 28 to 31 points. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that for each 10 ounces there may be present one large piece of extraneous vegetable matter or pieces having an aggregate area of more than  $\frac{3}{8}$  square inch but not more than  $\frac{3}{4}$  square inch ( $\frac{1}{2}$ " x  $1\frac{1}{2}$ ") on one surface of the piece or pieces; and there may be present not more than 15 percent, by count, of loose skins and broken and mashed units; not more than 8 percent, by count, of shriveled and sprouted beans; not more than 4 percent, by count, of blemished and seriously blemished beans; *Provided*, That not more than 2 percent, by count, of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not seriously affect the appearance of the product.

(vi) Frozen lima beans that fail to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen lima beans the grade of such lot will be determined by averaging the total scores on all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for frozen lima beans.*

Size and kind of container.....	.....
Container marks or identification.....	.....
Label.....	.....
Net weight (ounces).....	.....
Type.....	.....
Size.....	.....
Color (Percent green.....)	.....
Color (Percent white.....)	.....
Factors	Score points
I. Color.....	60
	(A) 54-60
	(B) 48-53
	(C) 42-47
	(SStd.) 1 0-41
II. Absence of defects.....	40
	(A) 36-40
	(B) 32-35
	(C) 28-31
	(SStd.) 1 0-27
Total score.....	100
Grade.....	.....
Flavor and odor.....	.....

\* Indicates limiting rule.

(h) *Effective time and supersedure.* The revised United States Standards for Grades of Frozen Lima Beans (which are the fifth issue) contained in this section will become effective 30 days after date of publication of these standards in the FEDERAL REGISTER, and shall thereupon supersede the United States Standards for Grades of Frozen Lima Beans which have been in effect since March 15, 1945.

(Sec. 205, 60 Stat. 1090, Pub. Law 135, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 24th day of April 1952.

[SEAL] ROY W. LENNARTSON,  
Assistant Administrator, Pro-  
duction and Marketing Ad-  
ministration.

[P. R. Doc. 52-4779; Filed, Apr. 28, 1952;  
8:55 a. m.]



**TITLE 14—CIVIL AVIATION****Chapter I—Civil Aeronautics Board**

[Civil Air Regs., Amdt. 21-10]

**PART 21—AIRLINE TRANSPORT PILOT RATING****AERONAUTICAL EXPERIENCE REQUIREMENT FOR AIRLINE TRANSPORT PILOT RATING****Correction**

In F. R. Doc. 52-4436, appearing at page 3479 of the issue for Saturday, April 19, 1952, the following change should be made:

In the last sentence of the fourth paragraph in the first column on page 3480, "§ 21.88 (b)" should read "§ 21.28 (b)".

**TITLE 16—COMMERCIAL PRACTICES****Chapter I—Federal Trade Commission**

[Docket 5821]

**PART 3—DIGEST OF CEASE AND DESIST ORDERS**

ANDREW G. CHOLICK ET AL.

Subpart—Advertising falsely or misleadingly: § 3.115 Jobs and employment service; § 3.205 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 3.1670 Jobs and employment; § 3.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 3.2000 Limited offers or supply. In connection with the offering for sale, sale and distribution in commerce, of courses of study and instruction, representing, directly or by implication, (1) that persons completing respondents' courses and passing a Civil Service examination are assured of positions in the United States Civil Service; (2) that an eighth grade education is usually sufficient to qualify for and obtain Civil Service positions, unless such representation be limited to positions in the lower grades; or, (3) that unless prospective students enroll for respondents' courses of study at the time of the visit of respondents' sales agent they will not be permitted to enroll for a period of two years or any other specified period of time; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Andrew G. Cholick et al., trading as Western Training Service, Docket 5821, February 14, 1952]

In the Matter of Andrew G. Cholick, A. Lawrence Cholick and Joseph J. Cholick, Copartners, Trading as Western Training Service

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents' answer and hearings at which testimony and other evidence (which were duly recorded and filed in the office of the Commission) in support of and in opposition to the allegations of the complaint, were introduced before said examiner, theretofore duly designated by the Commission.

No. 84—3

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer and testimony and other evidence (counsel having elected not to file proposed findings and conclusions for consideration by said examiner or to argue the matter orally), and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,<sup>1</sup> conclusion drawn therefrom<sup>1</sup> and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 14, 1952.

The said order is as follows:

It is ordered, That the respondents, Andrew G. Cholick, A. Lawrence Cholick and Joseph J. Cholick, individually and as copartners trading under the name Western Training Service, or under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing, directly or by implication:

1. That persons completing respondents' courses and passing a Civil Service examination are assured of positions in the United States Civil Service.

2. That an eighth grade education is usually sufficient to qualify for and obtain Civil Service positions, unless such representation be limited to positions in the lower grades.

3. That unless prospective students enroll for respondents' courses of study at the time of the visit of respondents' sales agent they will not be permitted to enroll for a period of two years or any other specified period of time.

WILLIAM L. PACK,  
Hearing Examiner.

DECEMBER 12, 1951.

By "Decision of the Commission and order to file report of compliance", Docket 5821, February 14, 1952, which decreed fruition of said initial decision on February 14, 1952, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form

<sup>1</sup> Filed as part of the original document.

in which they have complied with the order to cease and desist.

Issued: February 14, 1952.

By the Commission.

[SEAL]

D. C. DANIEL,  
Secretary.

[F. R. Doc. 52-4768; Filed, Apr. 28, 1952; 8:53 a. m.]

**TITLE 29—LABOR****Chapter V—Wage and Hour Division, Department of Labor****PART 523—EMPLOYMENT OF MESSENGERS****SUBMINIMUM WAGE RATES FOR MESSENGERS IN CABLE AND RADIOTELEPHONE DIVISION OF THE COMMUNICATIONS, UTILITIES AND MISCELLANEOUS TRANSPORTATION INDUSTRIES IN PUERTO RICO**

All America Cables and Radio, Incorporated and RCA Communications, Inc., have made application for permission to employ messengers engaged primarily in delivering letters and messages, at a wage of 60 cents an hour, which wage is lower than the minimum wage for the Cable and Radiotelephone Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico as provided in the revised wage order for those Industries published in the FEDERAL REGISTER of February 8, 1952 (17 F. R. 1208-1209), to become effective May 5, 1952.

After due notice a hearing on said application was held in San Juan, Puerto Rico on March 18 and 19, 1952 before an authorized representative designated by me.

Following the hearing, the authorized representative found on the basis of the record that a subminimum wage rate of 65 cents an hour for messengers in the industry is necessary in order to prevent curtailment of opportunities for employment, and recommended that (1) special regulations be issued authorizing the employment under special certificates of messengers engaged primarily in delivering letters and messages in the Cable and Radiotelephone Division of the Communications, Utilities and Miscellaneous Transportation Industries in Puerto Rico at a wage rate not less than 65 cents an hour and that (2) the special certificates issued under the regulations to qualified employers in the industry should be made effective for a period not to exceed one year, subject to renewal upon a proper showing. The findings and recommendations of the authorized representative were filed with me, together with the complete record of the proceedings.

On April 8, 1952, a notice was published in the FEDERAL REGISTER which set forth the findings and recommendations of the authorized representative and stated that the Administrator intended to issue special regulations carrying such recommendations into effect. Interested persons were given 15 days to submit objections to such find-



ings and recommendations and to the issuance of such regulations. No such objections have been received.

On the basis of all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly section 14 thereof and to Part 523 of the regulations issued thereunder, I have concluded that the findings and recommendations of the authorized representative were made in accordance with the law, are supported by the evidence and will carry out the purposes of section 14 of the act.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act, I hereby adopt the findings and recommendations of the authorized representative as my own, and the regulations contained in this part are hereby amended by adding a section, designated as § 523.100, to read as follows:

#### MESSENGERS IN PUERTO RICO

§ 523.100 *Conditions upon which special certificates may be granted in Puerto Rico.* (a) Upon application to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., special certificates authorizing the employment of messengers engaged primarily in delivering letters and messages in the Cable and Radiotelephone Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico, as defined in § 671.3 of this chapter, at wage rates lower than the minimum wage applicable under the wage order for that division (§ 671.1 of this chapter), may be issued by the Administrator or his authorized representative to the extent necessary in order to prevent curtailment of opportunities for employment, under the terms herein-after set forth.

(b) The subminimum rates which may be authorized in special certificates issued under this section shall be not less than 65 cents per hour.

(c) Special certificates may be issued under this section for a period not longer than one year, subject to renewal.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

In view of the necessity to provide for the employment of messengers in the Cable and Radiotelephone Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico at wage rates less than the minimum rates provided in the wage order for that division prior to May 5, 1952, the effective date of such wage order, the above amendment shall become effective upon publication in the *FEDERAL REGISTER*.

Signed at Washington, D. C., this 25th day of April 1952.

WM. R. McCOMB,  
Administrator,  
Wage and Hour Division.

[F. R. Doc. 52-4824; Filed, Apr. 28, 1952;  
8:55 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 135, Corr.]

#### CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

##### CORRECTION

The first example in section 2.5 (b) of Ceiling Price Regulation 135 contains an error in the method of arriving at the weight adjustment factor of 1.00. Under the provisions of section 2.5 (b), the weight adjustment factor of 1.00 is calculated by dividing the baked weight of 16 ounces by 16 cents rather than by dividing the ceiling price by baked weight. Because of the figures used in the example, the final result, namely, a baked weight of 17 ounces, is unaffected by this correction. Accordingly, the first example following section 2.5 is corrected to read as follows:

*Example.* Applying the applicable provision of this regulation, you calculate a price of 16.4 cents for your 16-ounce loaf of white pan bread which, when rounded for fractions of a cent, gives you a ceiling price of 16 cents for the loaf. A month after you calculated your ceiling price, you propose to increase your ceiling price to 17 cents. Your proposed net baked weight for the loaf is, therefore, your proposed ceiling price of 17 cents multiplied by the weight adjustment factor of 1.00 (that is,  $\frac{16 \text{ ounces}}{16 \text{ cents}}$ ), or 17 ounces.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,  
Director of Price Stabilization.

APRIL 28, 1952.

[F. R. Doc. 52-4854; Filed, Apr. 28, 1952;  
10:43 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 100]

#### GCPR, SR 100—ADJUSTMENTS UNDER SECTION 402 (d) (4) FOR IRON AND STEEL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 100 to General Ceiling Price Regulation, is hereby issued.

##### STATEMENT OF CONSIDERATIONS

This regulation establishes the procedure under which producers of specified iron and steel products may apply for adjustment of their ceiling prices in accordance with the provisions of section 402 (d) (4) of the Defense Production Act of 1950, as amended.

For most steel producers, prices of these commodities are governed by a voluntary agreement requested by the Economic Stabilization Administrator and the Director of Price Stabilization, in January 1951. A few producers who

did not sign the agreement are subject to the General Ceiling Price Regulation. This supplementary regulation establishes a special procedure under which producers who are subject to the GCPR may apply for appropriate adjustment of their ceiling prices, and the same relief is simultaneously being made available to producers covered by the voluntary agreement.

The regulations which have been issued previously by the Office of Price Stabilization, in accordance with section 402 (d) (4) of the Act, prescribe procedures under which each seller may calculate the adjustment to which he may be entitled on the basis of his own costs and prices. Representatives of the steel industry, however, have repeatedly urged that a uniform adjustment be made available on an industry-wide basis.

The Economic Stabilization Administrator, on April 23, 1952, requested that the Director of Price Stabilization proceed at once to make available to the steel industry any price increases to which it may be entitled under the provisions of the act. For appropriate reasons, the Director of Price Stabilization has decided to provide a uniform adjustment which would be available to all members of the industry, upon application, although this method is not required by law. This uniform adjustment equals the average amount which the industry could obtain if each company calculated its individual adjustment independently.

The Office of Price Stabilization has calculated that, for the steel industry as a whole, an average increase of \$2.84 per ton for carbon steel satisfies the pricing standard provided in section 402 (d) (4) of the act. This amount was calculated on the basis of industry-wide statistics relating to the principal elements of cost involved in producing steel and to changes in average prices of steel products. It represents the increase in the average cost of producing carbon steel between the second quarters of 1950 and 1951, less the amount by which carbon steel prices actually increased during this period.

Advice of the General Steel Products Industry Advisory Committee has been requested as to the way in which this average increase of \$2.84 per ton for carbon steel should be distributed among the different steel product lines. This advice has not become available. Consequently, the most satisfactory means for providing such adjustments is to permit a flat percentage increase in the prices of all steel products.

An increase of \$2.84 per ton amounts to 2.6 percent of the current average price of carbon steel. Consequently, this regulation permits any producer of steel products subject to the General Ceiling Price Regulation to apply for permission to adjust his ceiling prices by this percentage. While comparable statistics for steel other than carbon steel are not available, the Director has determined that it is appropriate to permit the same percentage adjustment in the case of all kinds of steel, including alloy, stainless, and specialty steels.



Upon mailing an application for permission to make these adjustments, any producer subject to this regulation may adjust his prices accordingly on and after May 1.

In the formulation of this regulation, there has been consultation with industry representatives, including the Industry Advisory Committee and representatives of trade associations, to the extent practicable, and consideration has been given to their recommendations.

#### REGULATORY PROVISIONS

##### Sec.

1. What this regulation does.
2. Persons and products covered.
3. Applications for adjustment.
4. Ceiling price adjustments.
5. Incorporation of GCPR provisions.

**AUTHORITY:** Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong., 50 U. S. C., App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

**SECTION 1. What this regulation does.** This supplementary regulation permits a producer of any iron and steel products for which ceiling prices are established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued prior to this regulation to apply for an adjustment in such prices.

**Sec. 2. Persons and products covered.** This regulation applies to you if you are a producer of any iron and steel products and if your ceiling prices for such products are established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued prior to this regulation. As used in this supplementary regulation, the term "iron and steel products" includes the following iron and carbon, stainless, or other alloy steel products of both prime and secondary or rejected quality:

- (a) Ingots, blooms, billets, slabs, tube rounds, die blocks, skelp, sheet and tin bars, wire rods, and muck bars.
- (b) Structural shapes (including bearing piles) and sheet piling and accessories.
- (c) Plates (universal, sheared and floor).
- (d) Rails and rail accessories.
- (e) Hot rolled bars (including forged, galvanized and wrought iron bars and special sections).
- (f) Concrete reinforcing bars (unfabricated).
- (g) Cold finished bars.
- (h) Sheet and strip, hot rolled and cold rolled.
- (i) Tin mill black plate, tin plate, andterne plate.
- (j) Tubing: welded, seamless, and drawn.
- (k) Tool steel, including drill rod.
- (l) Wire rope and strand.
- (m) Standard and line pipe, water well tubular products, and couplings (including steel and wrought iron pipe).
- (n) Oil country casing, tubing, drill pipe and couplings.

(o) Galvanized, coated, or painted sheet and strip; formed roofing and siding (painted, black, galvanized or lead coated); and valley, ridge roll and flashing.

- (p) Nails (cut and wire, but not including tacks) brads, and fence and netting staples.
- (q) Wire, drawn.
- (r) Wire bale ties.
- (s) Hoops and baling bands.
- (t) Wire (barbed and twisted) and wire fence (woven or welded).
- (u) Wire netting.
- (v) Fence posts (other than fabricated).
- (w) Welded and woven wire fabric.

**Sec. 3. Applications for adjustment.** You may file an application for ceiling prices adjusted in the manner provided for in section 4 of this regulation with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Any such application must be made by registered mail, return receipt requested and must contain the following information: Your name and address; a list of the iron and steel products for which you propose to adjust your ceiling prices; and the location of each of the mills in which you produce any such products.

#### Sec. 4. Ceiling price adjustments—

(a) **Amount of the adjustment.** The adjusted ceiling prices proposed in your application may not exceed the ceiling price for the product involved established under the General Ceiling Price Regulation or any supplementary regulation to the General Ceiling Price Regulation issued prior to this regulation, plus an amount not in excess of 2.6 percent of such ceiling price. You may round any adjusted ceiling price proposed in your application so that it will be expressed in the nearest cent or fraction of a cent you normally employ. If you elect to round any such ceiling price you must round all such ceiling prices so as to reflect decreases as well as increases.

(b) **When adjusted ceiling prices may be put into effect.** You may charge the adjusted ceiling prices provided for in this regulation for all sales and deliveries made on and after the date you mail your application to the Office of Price Stabilization.

**Sec. 5. Incorporation of GCPR provisions.** Any person subject to this supplementary regulation is also subject to all provisions of the General Ceiling Price Regulation not inconsistent with the provisions of this regulation.

**Effective date.** This regulation shall become effective on May 1, 1952.

**NOTE:** The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,  
Acting Director of Price Stabilization.

APRIL 25, 1952.

[F. R. Doc. 52-4897; Filed, Apr. 25, 1952; 4:34 p. m.]

[Price Procedural Regulation 1, Revision 2]

#### PPR 1—GENERAL PRICE PROCEDURES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Orders Nos. 2 and 5, this second revision of Price Procedural Regulation 1 is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This revision makes miscellaneous changes in the price procedures contained in Price Procedural Regulation 1, Revised. These changes were suggested by a restudy of these procedures in the light of further experience in their use. Because of the number of changes involved, the method of revision rather than of amendment has been adopted.

The ceiling price regulations contain various provisions requiring the filing of reports for the establishment of ceiling prices and for other related purposes. In order to obtain uniformity, there is included in this procedural regulation a new article making general provisions relative to the filing of these reports. This article provides, among other things, that these reports must be signed by the person subject to the ceiling price regulation. This requirement is necessary to insure that these reports are signed by responsible persons.

This revision makes some changes in the procedures for processing applications for adjustment. It provides that applications are to be filed with the office specified in the applicable adjustment provision. In the absence of such a directive in the adjustment provision, applications are to be filed with the Office of Price Stabilization in Washington, D. C. Furthermore, the applicant is now given the privilege of a formal review of an order of a regional or district office.

This procedural regulation has provided, in accordance with the provisions of the Defense Production Act of 1950, as amended, that in the event of partial or complete denial of a protest the Director will inform the protestant of the economic data and other facts, of which he has taken official notice. These facts are included in the record at the time of the issuance of the opinion accompanying the order of denial, as well as at interim stages of the proceeding. Heretofore, provision has been made for a general privilege of rebuttal by the protestant. This revision clarifies this privilege by providing expressly for submission of rebuttal evidence after the issuance of an order of denial, with the privilege of requesting a reconsideration of the protest based upon such evidence.

There are also several minor changes which have been made for purposes of clarification. The more significant of these are the requirement that all protest material be filed with the Recording Secretary of the Office of Price Stabilization; the express limitation on the privilege of representation in the matter of signing primary documents; and the expansion of the definition of "ceiling price regulation" to include all regulations relating to price control.

Because of the wide coverage of this procedural regulation and the nature of



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its provisions, the Director has found it impracticable to consult formally with industry or trade association representatives.

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AUTHORITY: Sections 1 to 110 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

## ARTICLE 1—PURPOSE

SECTION 1. *Purpose.* This procedural regulation prescribes and explains the procedure used by the Director of Price Stabilization in making various kinds of price determinations.

(a) Article II deals with the procedure which is followed in issuing ceiling price regulations.

(b) Article III deals with reports relating to price controls. These reports are of various kinds, and the particular requirements as to their form and contents, as well as the time and place for filing, appear in the applicable ceiling price regulation or order, or in the form especially designated for them. This article sets forth certain general requirements for their preparation and filing, and provides especially that they must be appropriately signed.

(c) Article IV deals with individual applications for adjustment of ceiling prices established by a ceiling price regulation. An adjustment ordinarily affects the prices of one particular seller who applies for a change in the ceiling prices established for him by the provisions of a ceiling price regulation.

(d) Article V deals with petitions for amendment. A petition for amendment may be filed by any person who is affected by a ceiling price regulation and

who desires a change of general applicability in the provisions of the regulation itself.

(e) Article VI deals with protests. The general nature and function of protests are set forth in the introduction to Article VI which is contained in section 50.

(f) Article VII explains the way in which interpretations are rendered by the Director.

(g) Article VIII contains miscellaneous provisions and definitions.

## ARTICLE II—ISSUANCE OF CEILING PRICE REGULATIONS

SEC. 2. *Investigation prior to issuance.* A ceiling price regulation may be issued by the Director after such studies and investigations as he deems necessary or proper. Before issuing a ceiling price regulation the Director will, so far as practicable, advise and consult with industry representatives, including trade association representatives.

SEC. 3. *Price hearing prior to issuance.* Whenever the Director deems it necessary or proper that a price hearing be held prior to the issuance of a ceiling price regulation, he may provide for such hearing in accordance with sections 4 and 5.

SEC. 4. *Notice of pre-issuance hearing.* Notice of any price hearing ordered prior to the issuance of a ceiling price regulation will be given by publication of such notice in the Federal Register, and may be supplemented by notice given in any other appropriate manner. The notice will state the time and place of the price hearing and will contain an appropriate indication of the purposes of the hearing.

SEC. 5. *Conduct of pre-issuance hearing.* A price hearing held prior to the issuance of a ceiling price regulation will be conducted in such manner, consistent with the need for expeditious action, as will permit the fullest possible presentation of the evidence by such persons as are, in the judgment of the Director, best qualified to provide information with respect to matters considered at the hearing or most likely to be seriously affected by action which may be taken as a result of the hearing.

SEC. 6. *Statement of considerations.* Every ceiling price regulation will be accompanied by a statement of considerations involved in its issuance. This statement may include economic data, facts of which the Director has taken official notice, and facts found by the Director as a result of action taken under section 705 of the Act.

SEC. 7. *Notice of provisions of a ceiling price regulation.* Notice of the provisions of a ceiling price regulation will be given by filing the regulation with the Division of the Federal Register. As soon as possible after the filing of the regulation, the Director of Public Information will make copies available to the press.

SEC. 8. *Effective date.* The effective date of a ceiling price regulation will be the date specified in such regulation.



## ARTICLE III—REPORTS RELATING TO PRICE CONTROL

SEC. 11. *Introductory note.* Article III deals with reports relating to price controls. This article does not cover applications for adjustment, petitions for amendment or protests, or any material submitted in connection with an application for adjustment, petition for amendment or protest. However, it applies to all other reports which a person subject to a ceiling price regulation is required, or authorized, to file with the Office of Price Stabilization. The term "report" is defined in section 110.

## GENERAL PROVISIONS

SEC. 12. *Need to file reports.* A person subject to a ceiling price regulation must file a report if he is required to do so by the terms of the regulation, or an order issued pursuant thereto. If the use of a provision of a ceiling price regulation or order is conditioned upon the filing of a report, that provision cannot be used unless the report is filed.

SEC. 13. *Time and place for filing.* Reports must be filed with the Office of Price Stabilization at the time and place provided in the applicable ceiling price regulation or order. If the regulation or order contains no specific direction, reports must be filed with the Office of Price Stabilization, Washington 25, D. C.

SEC. 14. *Form of report.* Reports must be filed upon such forms, if any, and must contain such information as the Director prescribes.

SEC. 15. *Report must be signed.* (a) Reports must be signed by the person subject to the ceiling price regulation personally, if an individual; if a partnership, by a partner; or if a corporation or association, by a duly authorized officer. In the event that the only individual authorized to sign is unable to do so, the report may be signed by an attorney in fact appointed by him in a written power of attorney. The Director may require the submission of evidence of the authority of any person who signs a report other than in his individual capacity.

(b) If the applicable regulation or order, or the form designated for the report, so requires, the person signing the report must certify that the information contained therein is true to the best of his knowledge or information and belief.

## ARTICLE IV—APPLICATIONS FOR ADJUSTMENT

SEC. 21. *Right to apply for adjustment.* A person subject to a ceiling price regulation, which contains an adjustment provision, may apply for an adjustment in accordance with the terms of that adjustment provision. If there is no applicable adjustment provision, a petition for amendment requesting the addition of an adjustment provision to the regulation may be filed under Article V of this regulation.

SEC. 22. *Time and place for filing.* (a) Applications must be filed in the manner, at the place, and with the person or office specified in the adjustment provision pursuant to which the application

is made. If the adjustment provision does not specify the place for filing, the application must be filed with the Office of Price Stabilization, Washington 25, D. C.

(b) If an adjustment provision contains a limitation of time within which it must be filed, or within which action must be taken by the Director, the application will not be deemed to have been filed unless it is mailed to, or filed at, the place designated for filing in paragraph (a) of this section.

SEC. 23. *Form of application.* (a) Applications for adjustment must be filed upon such forms, if any, and must contain such information as the Director prescribes.

(b) If there is a specific requirement in the applicable adjustment provision with regard to the number of copies of applications and accompanying documents, that provision must be followed.

SEC. 24. *Application must be signed.* Any applications for adjustment filed pursuant to this article must be signed by the applicant personally, if an individual; if a partnership, by a partner; or if a corporation or association, by a duly authorized officer. In the event that the only individual authorized to sign is unable to do so, the application may be signed by an attorney in fact appointed by him in a written power of attorney. The Director may require the submission of evidence of the authority of any person who signs other than in his individual capacity.

SEC. 25. *Consolidation.* Whenever the Director deems it necessary or appropriate for the disposition of applications filed by more than one person, he may consolidate the applications.

SEC. 26. *Investigation of application.* Upon receipt of an application for adjustment, the Director may make such investigation of the facts involved in the application, hold such conferences, and request the filing of such supplementary information as he deems necessary to the proper disposition of the application.

SEC. 27. *Action by the Director on application for adjustment.* Within a reasonable time after the filing of an application for adjustment, one of the following alternatives may be taken:

(a) Any application for adjustment which fails substantially to comply with this article may be dismissed; or

(b) Any application for adjustment which is properly pending may be granted or denied in whole or in part; or

(c) In cases of unusual difficulty or importance, an application may be referred for action to the Regional Office for the region in which the District Office is located, if the application is pending before a district office, or to the Office of Price Stabilization in Washington, D. C., if the application is pending before a regional office.

In each case the applicant will be informed, in writing, of the action taken.

SEC. 28. *Notices of review.* (a) Any person whose application for adjustment has been dismissed or denied, in whole or

in part, by a district office in the first instance or on remand, may file with such office a notice of review by the Regional Office for the region in which such district office is located. The notice of review must be filed, in duplicate, within sixty (60) days after the date on which notice of dismissal or denial was mailed to the applicant. A notice of review must contain a statement of the relief requested; of the relief already granted, if any; and of the grounds of objection to the action taken by the District Office. The notice must be signed by a person authorized to sign an application for adjustment as provided in section 24 of this article.

(b) Any person whose application for adjustment has been dismissed or denied, in whole or in part, by a regional office in the first instance, or on remand or review, may file with such office a notice of review by the Office of Price Stabilization, Washington, D. C. The notice of review must be filed, in duplicate, within sixty (60) days after the notice of dismissal or denial was mailed to the applicant. The notice must contain the information required by paragraph (a) of this section, except that reference in each case must be made to the action taken by the Regional Office.

(c) Manner and time of filing: Notices of review must be filed by registered mail or in person and will be deemed filed on the date received by the District or Regional Office.

SEC. 29. *Action on review.* After due consideration, including any additional investigation which the reviewing office deems necessary or desirable, the reviewing office will grant, dismiss or deny, in whole or in part, any application for adjustment as to which a notice of review has been filed, or, in its discretion, it may remand the application to the office of first instance for reconsideration. The applicant will be informed, in writing, of the action taken.

SEC. 30. *Protest of denial of application.* Any applicant for adjustment whose application has been dismissed or denied, in whole or in part, may file a protest in accordance with the provisions of Article VI. No protest may be filed against an order while a review of that order is pending in any office, but protest may be made against the order of dismissal or denial of the office which last reviews the application or against the new order of the office of first instance on remand. A protest already filed will be deemed to be withdrawn by the filing of a notice of review of the same order. The effective date of an order for the purpose of protest is the date recited in the order as its effective date, or if the order contains no such recitation, the date on which it is received by the applicant. The protest may be based only upon grounds raised in the application for adjustment.

## ARTICLE V—PETITION FOR AMENDMENT

SEC. 41. *Right to file a petition.* A petition for amendment may be filed at any time by any person subject to or affected by a provision of a ceiling price regulation. A petition for amendment must propose an amendment of general



applicability and will be granted or denied solely on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the Act.

**Sec. 42. Time and place for filing petitions; form and contents.** A petition for amendment must be filed with the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C. Three (3) copies of the petition and of all accompanying documents and briefs must be filed. Every petition must contain, upon its first page, the number of the ceiling price regulation to which the petition relates, and must be designated "Petition for Amendment"; must state the name and address of the petitioner and the nature of his business; and must include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition must be accompanied by statements setting forth the facts upon which the petitioner relies in his petition.

**Sec. 43. Joint petitions for amendment; consolidation.** (a) Two or more persons may file a joint petition for amendment. Joint petitions must be filed and will be determined in accordance with the rules governing the filing and determination of petitions filed by one person. Whenever the Director deems it to be necessary or appropriate for the disposition of joint petitions, he may treat joint petitions separately. In any event, the Director may require the filing of relevant material by each individual petitioner.

(b) Whenever the Director deems it necessary or appropriate for the disposition of petitions filed by more than one person, he may consolidate the petitions.

**Sec. 44. Action by the Director on petition.** In the consideration of any petition for amendment the Director may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment.

#### ARTICLE VI—PROTESTS

**Sec. 50. Introductory note.** (a) Article VI deals with protests. A protest is the means provided by section 407 (a) of the Act for making formal objections to a ceiling price regulation or order. Ordinarily, the filing of a protest is also a prerequisite to obtaining judicial review of the validity of a ceiling price regulation or order by the Emergency Court of Appeals. The only other method of obtaining judicial review is by the filing of a complaint in the Emergency Court of Appeals after obtaining special leave to do so in an enforcement proceeding pursuant to section 408 (e) of the Act.

(b) Article VI also contains provisions for consideration of protests by boards of review in accordance with section 407 (c) of the Act. A protestant is entitled to consideration of his objections by a board of review if he files a protest in accordance with the provisions of this article and makes a specific request for consideration by a board of review in ac-

cordance with section 61 (b) of this regulation.

#### GENERAL PROVISIONS

**Sec. 51. Right to protest.** Any person subject to any provisions of a ceiling price regulation or order may file a protest against such provision in the manner set forth in this article. For the purposes of this article, a person is subject to a provision of a ceiling price regulation or order only if such provision prohibits or requires action by him. However, a producer of an agricultural commodity will be considered to be subject to a ceiling price regulation for the purpose of asserting any right created by section 402 (d) (3) of the Act for the benefit of producers of such an agricultural commodity.

**Sec. 52. Improper protestant.** Any protest filed by a person not subject to the provision of the ceiling price regulation or order protested may be dismissed by the Director.

**Sec. 53. Time and place for filing protests.** (a) A protest against a provision of a ceiling price regulation or order may be filed at any time within six (6) months after the effective date of such regulation or order, or, in the case of new grounds arising after the effective date of such regulation or order, within six (6) months after such new grounds arise. In the latter case, the protest must state the new grounds which are the basis for the delayed protest, and must make clear when such new grounds arose and in what respect they were not available upon the effective date of the ceiling price regulation or order protested.

(b) Protests must be filed with the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C., and will be deemed filed on the date received by the Recording Secretary.

**Sec. 54. Form of protests and number of copies.** Every protest must contain upon its first page a heading or title clearly designating it as a protest. Also, the protest must contain, on its first page, the number and appropriate identification of the ceiling price regulation or order against which the protest is directed. Six (6) copies of the protest and all accompanying documents and briefs must be filed.

**Sec. 55. Assignment of docket number.** Upon receipt of a protest by the Recording Secretary of the Office of Price Stabilization it will be assigned a docket number. The protestant will be notified of the docket number and all additional documents filed in the proceedings must contain on their first page the docket number so assigned and the number and appropriate identification of the ceiling price regulation or order being protested.

**Sec. 56. Protest and evidential material not conforming to the requirements of this article.** In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to the requirements of this article, the Director may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest.

**Sec. 57. Joint protests; consolidation.** (a) Two or more persons may file a joint protest. Joint protests must be filed and will be determined, in accordance with the rules governing the filing and determination of protests filed by one person. A joint protest must be verified by each protestant in accordance with section 61 (a) (8). A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Director deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant material by each individual protestant.

(b) Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests, the Director may consolidate such protests.

**Sec. 58. Amendment of protests and presentation of additional evidence.** In general, all of the objections upon which a protestant intends to rely in the protest proceedings must be clearly stated in the protest when it is filed and all of the evidence which the protestant wishes to offer in support of the protest must be filed at the same time. This rule does not apply to evidence not subject to the protestant's control, which is covered in section 62 (b), and the submission of oral testimony, which is covered in section 63. However, a protestant may be granted permission to amend his protest so as to state additional objections, or to present further evidence in connection therewith, upon a showing of reasonable excuse for failure to present such objections, or evidence, at the time the protest was first filed. This permission will be granted only if, in the judgment of the Director, it will not unduly delay the completion of the proceedings on the protest.

**Sec. 59. Action by the Director on protest.** (a) Within a reasonable time after the filing of any protest in accordance with this article, but in no event more than thirty (30) days after such filing, the Director will:

(1) Grant or deny such protest in whole or in part (as used in this section, the term "deny" includes a dismissal in accordance with the provisions of sections 52 or 56);

(2) Notice such protest for hearing of oral testimony in accordance with sections 63 or 68;

(3) Notice such protest for hearing of oral argument by a board of review in accordance with section 72; or

(4) Provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Director may notice such protest for hearing of oral testimony in accordance with paragraph (a) (2) of this section, notice the protest for hearing of oral argument by a board of review in accordance with paragraph (a) (3) of this section, include additional material in the record of the proceedings on the protest in accordance with section 66, or take such other action as may be appropriate to the disposition of the protest.



(b) Notice of any such action taken by the Director will promptly be served upon the protestant.

(c) Where the Director has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he will, within a reasonable time after the completion of the hearing, or the presentation of such evidence, grant or deny the protest in whole or in part.

**Sec. 60. Basis for determination of protest—(a) Record of the proceedings.** The factual basis upon which a protest is determined is to be found in the record of the proceedings. This record consists of the following:

(1) The protest and supporting evidential material properly filed with the Recording Secretary of the Office of Price Stabilization, in accordance with sections 61 and 62;

(2) Material incorporated into the record of the proceedings by the Director under sections 66 and 67;

(3) Oral testimony taken in the course of the proceedings in accordance with sections 63 and 68;

(4) All orders and opinions issued in the course of the proceedings; and

(5) The ceiling price regulation or order protested, including the statement of considerations.

If the protest is to an order denying an application for adjustment under a provision of a ceiling price regulation, the record will also include the application, material filed in support thereof in accordance with the provisions of the ceiling price regulation, and the order and opinion denying the application.

(b) *Facts of which the Director has taken official notice.* The record of the proceedings may also include statements of economic data, facts of which the Director has taken official notice under section 407 (b) of the Act, and facts found by the Director as a result of reports filed and studies and investigations made, pursuant to section 705 of the Act.

(c) *Briefs and arguments.* Briefs and oral arguments submitted or presented in accordance with this article are considered in the determination of a protest. They are not, however, a part of the record of the proceedings. Accordingly, they are not included in the transcript of the protest proceedings which is filed, in case of appeal, with the Emergency Court of Appeals.

#### CONTENTS OF PROTEST AND SUPPORTING MATERIALS

**Sec. 61. Contents of protests—(a) What each protest must contain.** Every protest must set forth the following:

(1) The name and post office address of the protestant (including any trade names and addresses), the nature of his business and the manner in which the protestant is subject to the provisions of the ceiling price regulation or order being protested.

(2) The name and post office address and evidence of authority of any person filing the protest on behalf of the protestant, and the name and post office address of the person to whom all communications from the Director, relating to the protest, are to be sent;

(3) A complete identification of the provision or provisions protested, citing the number and the appropriate identification of the ceiling price regulation or order being protested, and further citing the date of issuance of the ceiling price regulation or order and the section or sections thereof to which objection is made;

(4) Where the protest is filed more than six (6) months after the effective date of a ceiling price regulation or order, based on new grounds arising after the effective date, the delayed protest must be justified as provided in section 53 (a);

(5) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered;

(6) A clear and concise statement of all the facts alleged in support of each objection;

(7) A statement of the relief requested by the protestant, including, if the protestant requests modifications of a provision of the ceiling price regulation or order, the specific changes which he seeks to have made in the provision;

(8) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths, either by the protestant personally, or if a partnership, by a partner, or if a corporation or association, by a duly authorized officer, that the protest and documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant must identify those facts which are known to be true and those which are alleged on information and belief. In the event that the only individual authorized to sign is unable to do so, the protest may be signed by an attorney in fact appointed by him in a written power of attorney. The Director may require the submission of evidence of the authority of any person who signs other than in his individual capacity.

(b) *Request for consideration by a board of review.* A protestant who wishes his protest considered by a board of review must specifically so request. If the protestant wishes to offer oral argument, he must indicate the order of his preference as to (1) argument before a board of review in Washington 25, D. C.; or (2) argument before a subcommittee, consisting of one member of a board of review, at a location named by the protestant. Section 71 sets forth the considerations which will be determinative in the decision as to where oral argument may be heard. The request for consideration by a board of review must be made either in the protest or in an amendment to the protest filed within fifteen (15) days of the date the protest is filed. Such an amendment shall be deemed filed within the fifteen (15) day period if it is received by the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C., not later than the fifteenth day after the protest was filed. Further provisions with respect to proceedings before a board of review are to be found in sections 69 through 76.

**Sec. 62. Affidavits or other written evidence in support of protest.** Every protestant must file, together with his protest, the following:

(a) Affidavits and any other evidence subject to the control of the protestant. The affidavits must set forth, in full, all the evidence, the presentation of which is subject to the control of the protestant and upon which he relies in support of the facts alleged in the protest. Each such affidavit must state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and which facts set forth in the affidavit are stated from personal knowledge and which facts are stated on information and belief. In every instance the affiant must state, in detail, the sources of his information.

(b) An affidavit by the protestant setting forth, in detail, the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest. This affidavit must explain why such further evidence is not subject to the control of the protestant and must set forth the efforts, if any, he made to secure such further evidence. This affidavit must be accompanied by an application for assistance, by way of subpoena, interrogatories, or otherwise, in obtaining the documentary evidence, or the evidence of persons which is not subject to the protestant's control, showing, in any case, what material facts would be adduced thereby. If this application calls for the evidence of persons, it must specify the name and address of each person, and the facts to be proved by him, and where the oral testimony of such person is requested the application must set forth the basis for such request, as provided in section 63 (a). Where the application calls for the production of documents, it must specify them with sufficient particularity to enable them to be identified.

**Sec. 63. Receipt of oral testimony.**

(a) In most cases, evidence in protest proceedings will be received only in written form. However, the protestant may request the receipt of oral testimony. If the protestant makes such a request, he must show why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the protest.

(b) In the event that the Director orders the receipt of oral testimony, a copy of this order will be served on the protestant not less than five (5) days prior to the receipt of such testimony. This order will state the time and place of the hearing and will name the presiding officer designated by the Director.

(c) A stenographic report of any hearing of oral testimony will be made. A copy of this stenographic report will be available for inspection during business hours in the office of the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C. Protestants who wish a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for them and by paying the cost thereof.



**Sec. 64. Submission of brief by protestant.** The protestant may file with his protest, and accompanying evidential material, a brief in support of the objections set forth in the protest. Such brief must be submitted as a separate document and must comply with the requirements of section 54.

#### MATERIAL IN SUPPORT OF THE REGULATION PROTESTED

**Sec. 65. Statements of considerations.** The statement of considerations for a ceiling price regulation contains economic and other material supporting the regulation. This statement, a copy of which may be obtained from the Publications and Distribution Branch, Office of Price Stabilization, Washington 25, D. C., is a document of public record which is filed with the Division of the Federal Register. It is considered a part of the record of the protest proceedings without formal incorporation into the record.

**Sec. 66. Incorporation of material in the record by the Director.** In addition to the statement of considerations, the Director will include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provisions against which the protest is filed. This evidence may be included either at an interim stage of the proceedings or in an opinion accompanying an order denying the protest in accordance with section 78. When such evidence is incorporated in the record, and is not so incorporated at a hearing of oral testimony, copies will be served upon the protestant, and the protestant will be given a reasonable opportunity to present evidence in rebuttal. If such evidence, or the economic data and other facts of which the Director takes official notice, are incorporated in the record for the first time in the opinion which accompanies the order of denial, as provided in section 78, the protestant will be permitted to submit rebuttal evidence and will be granted leave to petition for a reconsideration of the protest based on such rebuttal evidence.

**Sec. 67. Other written evidence in support of the ceiling price regulation or order.** (a) Any person affected by the provisions of a ceiling price regulation or order may at any time after the issuance of such regulation or order submit to the Director a statement in support of the provisions of the regulation or order. This statement must include the name and post office address of the person submitting the statement (including any trade names or addresses), the nature of his business, and the manner in which he is affected by the ceiling price regulation or order. This statement may be accompanied by affidavits and other data in written form. Each supporting statement must conform to the requirements of section 54.

(b) The Director may include in the record of any protest proceeding, any statement submitted in support of the provisions of the ceiling price regulation or order protested. If the supporting statement is incorporated in the record, and is not so incorporated at a

hearing of oral testimony, copies of the supporting statement will be served upon the protestant, and the protestant will be given a reasonable opportunity to present evidence in rebuttal thereof.

**Sec. 68. Receipt of oral testimony in support of the ceiling price regulation or order.** Ordinarily, material in support of the ceiling price regulation or order protested, like material in support of protests, will be received in the protest proceeding only in written form. If, however, the Director is satisfied that the receipt of oral testimony is necessary to the fair and expeditious disposition of the protest, he may, on his own motion, direct that such testimony be received. The oral testimony will be taken in the manner provided in section 63.

#### BOARDS OF REVIEW

**Sec. 69. Right to consideration by a board of review.** Under section 407 (c) of the Act, any properly filed protest must, upon the protestant's request, be considered by a board of review before it can be denied in whole or in part. Consideration of the record in a protest proceeding by a board of review is undertaken for the purpose of reconsidering the provision or provisions of the ceiling price regulation or order protested and recommending action relative thereto to the Director. A board of review considers the protest upon the basis of the record which has been developed in the proceedings prior to consideration by a board of review. Protestant is accorded an opportunity to present oral argument to a board of review, upon the basis of the objections raised in the protest and the evidence in the record, and guided by the explanatory statement of the issues in the notice of consideration by a board of review. Section 61 (b) explains the nature of such a request and states the time within which it must be filed.

**Sec. 70. Composition of boards of review.** A board of review is composed of one or more officers or employees of the Office of Price Stabilization designated by the Director to review the record of the proceedings on a particular protest and make recommendations to him as to its disposition. The number of members constituting a board will be determined in the light of the scope and complexity of the issues presented. When a board consists of more than one member, ordinarily one member will be selected who is, or has been, directly engaged in the administration of the ceiling price regulation or order protested. In the notice of consideration provided for in section 72, the protestant will be advised of the membership of the board of review considering his protest, and, if the board consists of more than one member, of the member selected to preside. When necessitated by incapacity of a member or other good cause, the Director may make substitutions in the membership of the board of review as originally constituted.

**Sec. 71. Where board of review hear oral argument.** A board of review consisting of more than one member will

ordinarily hear oral argument at the Office of Price Stabilization, Washington, D. C., and only in exceptional cases, and for good cause shown, will the full board hold hearings elsewhere. A board consisting of only one member may hear argument at any designated place. Where the protestant has requested that oral argument be heard at some place other than Washington, D. C., and where the board consists of more than one member, a subcommittee thereof may be designated to hear argument at the place requested or at some other convenient place.

**Sec. 72. Notice of consideration by a board of review.** Before denial of any protest in whole or in part in which the protestant has requested consideration by a board of review in accordance with section 61 (b), which has not subsequently been waived by the protestant, notice of consideration by a board of review will be sent by registered mail to the protestant. Sending of notice marks a close of the record of the evidence in a protest proceeding. The notice will indicate the issues thought to be determinative of the case which may serve as a guide to the protestant in planning oral argument. The notice of consideration will contain, or be accompanied by, the following items, as nearly as the circumstances permit:

(a) Information identifying the protest, including the ceiling price regulation or order being protested and the docket number;

(b) A list of the documents comprising the completed record of the proceeding;

(c) A brief statement of the issues involved;

(d) A statement of the time (which will not be less than seven (7) days from the date recited in the notice as its effective date) and the place where a board of review, or a subcommittee thereof, will hear oral argument;

(e) A list of persons comprising the board of review which is thereby appointed to consider the protest, with their official titles; a designation of the presiding member, if the board of review is composed of more than one person; and a designation of the subcommittee if the oral argument is to be presented to a subcommittee.

**Sec. 73. Waiver of right to consideration in whole or in part.** A protestant who has properly requested consideration by a board of review in accordance with section 61 (b) may, if he so desires, waive his right to consideration by a board of review. A protestant may have his protest considered by a board of review but waive his right to oral argument before a board. Waiver of consideration by a board of review or of oral argument must be in writing and will constitute a part of the record of proceedings on the protest. Failure of a protestant to appear at a hearing of oral argument, which he has not waived in accordance with this section, at the time and place specified in the notice of consideration, will constitute waiver of his right, not only to the oral argument but also to consideration by a board of review, unless a reasonable excuse is



shown. Unexcused failure to appear at a hearing of oral argument will be noted on the record of proceedings. A waiver by less than all of a group of joint protestants will not affect the rights of a protestant who has not made the waiver.

**Sec. 74. Hearing of oral argument.** (a) Argument before a board of review by a protestant will ordinarily be limited to one hour, except for good cause shown. Where the magnitude of the issues involved warrants more extended discussion, or where the protestants are numerous, the board of review may extend or limit the time of each protestant in its discretion. Specific argument will be confined to objections set forth in the protest or to other evidence in the record. Hearings of argument will be open to the public. Where argument is to be heard by a board of review consisting of more than one member, a majority of the board of review will constitute a quorum for the purpose of hearing argument. Presentation of oral argument may be accompanied by submission of a brief (see section 60 (c)).

(b) A transcript of all hearings of oral argument by boards of review may be taken at the direction of the board or upon the request of the protestant, provided he pays the cost of the transcript. A transcript will be made in any case if argument is heard by a subcommittee of a board of review. A copy of the transcript will be available for inspection during office hours in the office of the Recording Secretary of the Office of Price Stabilization, Washington, D. C. Protestants who wish a copy of any transcript of oral argument may obtain it by requesting the reporter at the hearing to make a copy for them and paying the cost thereof.

**Sec. 75. Action by boards of review at the conclusion of their consideration of a protest.** Within a reasonable time after the hearing of oral argument or after the closing of the record, if oral argument has been waived, a board of review will submit to the Director its written recommendations as to the disposition of the protest. These recommendations will be signed by each member of the board of review. The recommendations of a majority of the members of a board of review will constitute the recommendations of the board of review, but the disagreement of any member with the recommendations will be expressly noted. A board of review will recommend to the Director that the protest be granted or denied in whole or in part. If it is the opinion of the board of review that the record in the proceedings should be expanded, it may refer the record of the proceedings to the Director in order that he may consider permitting the amendment of the protest or the receipt of additional evidence. Records will be reopened, however, only in very exceptional circumstances and where the requirements of section 58 can be met.

**Sec. 76. Action by Director after receipt of board of review's recommendations.** After receipt of a board of review's recommendations as to the disposition of the protest, the Director will,

within a reasonable time, grant or deny the protest in whole or in part.

#### DETERMINATION OF PROTEST

**Sec. 77. Order granting protest.** If the Director grants a protest, the Recording Secretary of the Office of Price Stabilization will send a copy of the order to the protestant by registered mail. If the protest has been considered by a board of review, the protestant will be advised of the recommendations of the board in an appendix to the Director's order.

**Sec. 78. Order and opinion denying protests in whole or in part.** If the Director denies a protest in whole or in part, the Recording Secretary of the Office of Price Stabilization will send a copy of the Director's order and opinion to the protestant by registered mail. In such opinion, the protestant will be informed of any economic data or other facts of which the Director has taken official notice and the grounds upon which such decision is based. If the protest has been considered by a board of review the opinion will include the recommendations of the board of review and, if any recommendation of such a board has been rejected, the reason for rejection.

**Sec. 79. Treatment of protest as a petition for amendment or an application for adjustment.** If the facts produced in connection with a protest justify such treatment, a protest filed against a provision of a ceiling price regulation or order may be treated, in the discretion of the Director, not only as a protest, but also as a petition for amendment of the ceiling price regulation or order protested, or as an application for adjustment pursuant thereto.

**Sec. 80. Petitions for reconsideration.** An order denying a protest may include leave to file a petition for reconsideration within a specified period. If the order of denial does include leave to file a petition for reconsideration, the filing of such a petition within the time provided automatically will vacate the order of denial and reopen the protest proceedings.

#### ARTICLE VII—INTERPRETATIONS

**Sec. 91. Who may render official interpretations, and the effect thereof.** (a) Action taken in reliance upon, and in conformity with, an official interpretation of a provision of any ceiling price regulation or order (prior to any revocation or modification of such interpretation or to any superseding thereof by regulation, order or amendment) will constitute action in good faith pursuant to the provisions of the ceiling price regulation or order to which such official interpretation relates.

(b) Interpretations of ceiling price regulations or orders will be regarded by the Office of Price Stabilization as official only where issued by the Chief Counsel of the Office of Price Stabilization or one of his delegates, and will be given only in writing. An official interpretation is applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is rendered, unless published

in the Federal Register as an interpretation of general application.

**Sec. 92. Requests for interpretations; form and contents.** Any person desiring an official interpretation of a ceiling price regulation or order should request it in writing from the District Counsel of his local District Office of the Office of Price Stabilization, unless the applicable ceiling price regulation provides otherwise. The request must set forth in full the factual situation out of which the interpretative question arises and must, so far as is practicable, state the names and post office addresses of the persons involved. If the interpretation will affect operations of establishments located in more than one state, the request must name the states in which the establishments are located. If the inquirer, or any person acting on his behalf, has previously requested an interpretation from an office or official of the Office of Price Stabilization on the same or substantially the same question, the request must give all information with regard to such previous inquiry, including the name of the office or official of the Office of Price Stabilization to whom such previous inquiry was made, the approximate date of such previous inquiry, and the substance of any interpretation which may have been issued in response to such previous inquiry. No interpretations will be given with respect to any hypothetical situation or in response to any hypothetical question.

**Sec. 93. Revocation or modification of interpretation.** Any generally applicable official interpretation of a ceiling price regulation or order may be revoked or modified by a statement or notice by the Chief Counsel of the Office of Price Stabilization or one of his delegates published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may be revoked or modified at any time by a statement in writing mailed to such person and signed by the Chief Counsel of the Office of Price Stabilization or one of his delegates.

#### ARTICLE VIII—MISCELLANEOUS PROVISIONS AND DEFINITIONS

**Sec. 101. Witness fees.** Witnesses summoned to give testimony will be paid the fees and mileage specified by section 705 (c) of the Act. Witness fees and mileage must be paid by the person at whose instance the witness appears.

**Sec. 102. Improper conduct.** Improper conduct, obstructive to the course of any hearing, will be sufficient cause for the adjournment of that hearing or for the exclusion of the offending party.

**Sec. 103. Continuance or adjournment of hearings.** Any hearing may be continued or adjourned to a later date or a different place by an announcement made at the hearing by the person who presides.

**Sec. 104. Subpoenas.** Subpoenas may require the production of documents or the attendance of witnesses at any designated place. Service of a subpoena upon a person named therein must be made by delivering a copy thereof to such person or leaving a copy at his regular place



of business or abode and by tendering to him the fees for one day's attendance and the mileage specified in section 705 (c) of the Act. When the subpoena is issued at the instance of the Director, fees and mileage need not be tendered. Any person 18 years of age or over may serve a subpoena. The person making the service must make an affidavit thereof describing the manner in which service is made and return such affidavit on or with the original subpoena forthwith to the Recording Secretary of the Office of Price Stabilization, Washington, D. C. In case of failure to make service, the reasons for the failure should be stated on the original subpoena.

**SEC. 105. Representation.** A party in interest to any proceeding governed by articles III, IV, V, VI, or VII of this procedural regulation may, by written power of attorney, authorize any person to represent him in the proceeding. The power conferred by this section to act through a representative appointed by power of attorney does not extend to the signing of reports relating to price controls or of applications for adjustment, or to the signing of, and swearing to, protests, except as specifically provided in sections 15, 24 or 61 of this regulation.

**SEC. 106. Service of papers.** Notices, orders and other process and papers involved in the proceedings under articles IV, V and VI of this regulation may be served personally or by leaving a copy at the regular place of business or abode of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the regular place of business or abode, the verified return of the person serving, or leaving the copy, is prima facie proof of service. When service is by registered mail, or telegraph, the return post office receipt, or telegraph receipt, is prima facie proof of service. Where the party in interest has filed a power of attorney authorizing another person to represent him as provided in section 105, service upon the representative will be deemed service upon the party in interest.

**SEC. 107. Office hours.** The Washington Office of the Office of Price Stabilization, Washington, D. C., will be open on Monday through Friday, from 8:30 a. m. until 5:00 p. m. Any person desiring to file papers with the Director or with the Recording Secretary of the Office of Price Stabilization or to inspect any documents filed with the Director or Recording Secretary at any time other than the regular office hours, may file a written application with the Recording Secretary of the Office of Price Stabilization, Washington, D. C., requesting permission therefor.

**SEC. 108. Time of filing; effect of Saturdays, Sundays, and holidays.** Where a ceiling price regulation or order requires the filing of any records, reports, or information, they must be filed with the appropriate office. Where the day or the last day fixed by any ceiling price regulation or order of the Office of Price Stabilization for taking any action, doing any act required or permitted to be done, or filing any records, reports, or

information falls on a Saturday, Sunday or holiday, the action may be taken, the act may be done, or the filing complied with on the next succeeding business day.

**SEC. 109. Confidential information; inspection of documents filed with the Recording Secretary of the Office of Price Stabilization.** (a) Information obtained under section 705 of the Act, which the Director deems confidential, or with reference to which a request for confidential treatment is made by the person furnishing such information, will not be published or disclosed unless the Director determines that the withholding of the information is contrary to the interest of the national defense.

(b) All protests, and orders and opinions in connection with protests, are open to inspection in the office of the Recording Secretary of the Office of Price Stabilization, Washington, D. C., upon such reasonable conditions as he may prescribe. Information submitted in a protest proceeding with a request for confidential treatment, and confidential material incorporated by the Director into a protest proceeding, will be treated as confidential to the extent consistent with the proper conduct of the protest proceeding. In the event of a complaint being filed in the Emergency Court of Appeals, such information and such material will be included in the transcript of the protest proceeding to the extent that it is material under the complaint.

(c) All letters denying petitions for amendment and all orders and opinions granting or denying in whole or in part any application are open to inspection in the office of the Recording Secretary of the Office of Price Stabilization, Washington, D. C., upon such reasonable conditions as he may prescribe.

(d) To the extent that this section provides for the disclosure of confidential information, it will be deemed a determination by the Director, pursuant to section 705 (e) of the Act, that the withholding of such information is contrary to the interest of the national defense.

**SEC. 110. Definitions.** As used in this regulation, unless the context otherwise requires, the term:

(a) "Act" means the Defense Production Act of 1950, as amended.

(b) "Ceiling price regulation" means a regulation or order relating to price controls which is issued under Title IV of the Defense Production Act of 1950, as amended.

(c) "Director" means the Director of Price Stabilization or any official (including officials of regional or district offices), to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

(d) "Federal Register" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(e) "Holiday" includes New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Armistice Day, Christmas Day, and any day designated as a holiday (or as a day of public fasting or thanksgiving) by the President or the Congress of the United

States, or a day on which the Office of Price Stabilization is officially closed for business for any reason.

(f) "Person" includes an individual, partnership, corporation, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing. However, for the purposes of sections 15, 24 and 61 of this regulation, the term "person" does not include a representative, except the general representative of an estate or trust.

(g) "Protestant" means a person subject to any provision of a ceiling price regulation or order, who files a protest in accordance with section 407 (a) of the Act.

(h) "Price hearing" means any formal or informal opportunity to present evidence which may be provided by the Director in connection with any price actions or proceedings relating to price controls.

(i) "Report" means a document addressed to the Office of Price Stabilization which contains information relating to price controls, including documents designated as statements, letters, notices, applications or otherwise, if required or authorized by a ceiling price regulation or an order issued pursuant thereto except applications for adjustment, petitions for amendment or protests, or any material submitted in connection with an application for adjustment, petition for amendment or protest.

(j) Singular includes the plural.

**Effective date.** This second revision of Price Procedural Regulation 1, Revised, shall become effective on April 28, 1952.

**NOTE:** The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,  
Director of Price Stabilization.

APRIL 28, 1952.

[P. R. Doc. 52-4855; Filed, Apr. 28, 1952;  
10:43 a. m.]

## Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

### Subchapter B—Wage Stabilization Board

[General Wage Regulation No. 11, Amdt. 1]

#### GWR 11—AGRICULTURAL LABOR

##### MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this Amendment to General Wage Regulation 11 is hereby issued.

##### STATEMENT OF CONSIDERATIONS

On May 17, 1951, the Wage Stabilization Board issued General Wage Regula-



tion 11 adapting the existing wage stabilization program to agricultural labor. In order that conformity of the Regulation to the wage stabilization program may be maintained, it is necessary that the regulation be amended so as to reflect increases in the cost of living which have occurred since its issuance.

Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act. It is the judgment of the Wage Stabilization Board that this Amendment is generally fair and equitable, and will effectuate the purposes of Title IV of the Defense Production Act.

#### AMENDATORY PROVISIONS

1. Section 1 of General Wage Regulation 11 is amended by striking out paragraph (c) thereof and inserting in lieu thereof two new paragraphs, designated (c) and (d), and reading, respectively, as follows:

(c) A 1950 base rate means, for each type of work to be performed, the amount of wages, salaries and other compensation paid per hour, month, piece or other unit, by an employer to agricultural labor for the same work (or if the same work was not performed, the most nearly comparable work), in the corresponding season or other time period in 1950.

(d) A 1951 base rate means, for each type of work to be performed, the amount of wages, salaries and other compensation paid per hour, month, piece or other unit, by an employer to agricultural labor for the same work (or if the same work was not performed, the most nearly comparable work) in the corresponding season or other time period in 1951, not exceeding, however, the amount which might lawfully have been paid under the provisions of this regulation.

2. Section 2 of General Wage Regulation 11 is amended to read as follows:

Sec. 2. *Permissible increases.* Wages, salaries and other compensation to agricultural labor may be increased without Board approval up to and including one of the following:

(a) The 1950 base rate plus 15 percent, or the 1951 base rate plus 5 percent;

(b) 95 cents per hour;

(c) The piece rate customarily considered as corresponding to 95 cents per hour for the particular work, stage of crop season and weather conditions;

(d) \$225 per month without room and board;

(e) \$195 per month, plus the use of a year-round house and the usual perquisites of a full-time agricultural employee;

(f) \$175 per month, with room and board.

Increases may be rounded off in conformity with usual practice.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Adopted by the Wage Stabilization Board, March 31, 1952; Industry Members dissenting.

NATHAN P. FEINSINGER,  
Chairman.

[F. R. Doc. 52-4765; Filed, Apr. 28, 1952; 8:52 a. m.]

[General Wage Regulation No. 19, Amdt. 1]

#### GWR 19—HEALTH AND WELFARE PLANS PROCEDURE FOR MODIFICATION OF EXISTING PLANS BY PREPAYMENT ORGANIZATIONS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this Amendment to General Wage Regulation No. 19 is hereby issued.

#### AMENDATORY PROVISIONS

General Wage Regulation No. 19 is amended by the addition of section 13, which reads as follows:

Sec. 13. *Procedure for modification of existing plans by prepayment organizations.* A prepayment organization offering a standard prepayment hospital expense, surgical expense or in-hospital medical expense plan, which modifies such plan, may file a petition for approval of the modified plan with the Wage Stabilization Board, Washington 25, D. C. Such petition shall be considered by the Health and Welfare Committee, which by unanimous vote may approve the modified plan. Employers, or employers and unions, are authorized to put such approved plan into effect for employees covered by the existing plan without filing the report required under sections 6 and 7: *Provided, That,*

(a) If employee contributions have been previously established on a percentage basis, such percentage is not decreased, or

(b) If employee contributions have been previously established on a fixed amount basis, such amount is not decreased.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Adopted unanimously by the Wage Stabilization Board, March 28, 1952.

NATHAN P. FEINSINGER,  
Chairman.

[F. R. Doc. 52-4763; Filed, Apr. 28, 1952; 8:51 a. m.]

[General Wage Regulation 21, Amdt. 1]

#### GWR 21—PENSION PLANS AND PROFIT-SHARING PLANS OF A DEFERRED COMPENSATION TYPE

#### PROFIT-SHARING PLANS OF THE DEFERRED COMPENSATION TYPE

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this Amendment 1 to General Wage Regulation No. 21 is hereby issued.

#### AMENDATORY PROVISIONS

Section 3 is amended to read as follows:

Sec. 3. *Profit-sharing plans of the deferred compensation type.* Parties may, subject to the reporting and wait-

ing-period provisions of Section 5, below, put into effect new or amended profit-sharing plans, approved by the Bureau of Internal Revenue under pertinent regulations, which provide for the payment of benefits, derived from employer contributions, upon retirement for reasons of age at or after age 65, or upon retirement due to permanent and total disability, where such payments are payable over at least a 10-year period. A plan may also provide for benefits payable upon severance provided that (a) payments under such plan do not begin until at least 10 years after an employee's admission to the plan, and (b) payments are payable over at least a 10-year period. No immediate benefit derived from employer contributions may be provided in the form of a lump sum cash or loan value except in the event of the employee's death.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Adopted unanimously by the Wage Stabilization Board, February 26, 1952.

NATHAN P. FEINSINGER,  
Chairman.

[F. R. Doc. 52-4764; Filed, Apr. 28, 1952; 8:51 a. m.]

#### Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47B, Direction 1, of April 28, 1952]

#### M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

#### DIR. 1—EXCLUSION OF NEW PRODUCTS FROM FLEXIBILITY PROVISION

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

#### Sec.

1. Purpose.
2. Definitions.
3. New product limitation.

**AUTHORITY:** Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2154. Interpret or apply sec. 101, 64 Stat. 759, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

**SECTION 1. Purpose.** The purpose of this direction is to prohibit allotments granted for the production of a new product from being immediately diverted to the production of a different product. In cases in which NPA authorizes production of a new product, this direction provides that allotments granted for such



new production are excluded from the flexibility provision of NPA Order M-47B, until the applicant has actually produced the new product to a substantial extent.

SEC. 2. *Definitions.* As used in this direction:

(a) "New product" means a Class B product produced by a person who, prior to July 1, 1950, produced for sale neither that product nor any other Class B product listed in the same Product Code Classification in the Official CMP Class B Product List.

(b) "Initial authorization from NPA for the production of a new product" means an official action by NPA, either by adjustment or exception to NPA Order M-47A, or by the granting of an authorized production schedule and an allotment of controlled materials, which for the first time specifically authorizes a person to produce a new product. It does not apply, however, to any such official action taken with respect to a product for which an adjustment or exception was previously granted to the same person by NPA under NPA Order M-7, M-12, or M-47.

(c) "Principal controlled material" means whichever controlled material (either steel, copper, or aluminum) a person is authorized to use in the largest amount by his initial authorization from NPA for the production of a new product.

(d) "NPA" means the National Production Authority.

SEC. 3. *New product limitation.* (a) No primary consumer who has hereto-

fore or hereafter received initial authorization from NPA for the production of a new product may treat such product as included in any group in Schedule I of NPA Order M-47B until he has used in the production of such product an amount of his principal controlled material equal to the amount which he was authorized to use for such production in the calendar quarter for which the initial authorization was granted, plus the amount of such material authorized for use in the succeeding calendar quarter.

(b) Under paragraph (a) of this section:

(1) Allotments of controlled materials voluntarily returned to NPA shall not be deducted in determining the amount permitted to be used in any calendar quarter.

(2) Authorization to use material in inventory shall be disregarded in determining the amount authorized to be used in any calendar quarter.

(3) Amounts allotted by a primary consumer to others and used for production of Class A product components for such new product on and after October 1, 1951, shall be included to determine use of controlled materials in the production of the new product.

This direction shall take effect April 28, 1952.

NATIONAL PRODUCTION  
AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.

[F. R. Doc. 52-4857; Filed, Apr. 28, 1952;  
11:03 a. m.]

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Federal Security Agency

#### PART 21—COMMISSIONED OFFICERS

EXECUTIVE ORDER, DECLARING THE COMMISSIONED CORPS TO BE A MILITARY SERVICE AND PRESCRIBING REGULATIONS THEREFOR

EDITORIAL NOTE: For Executive order declaring the Commissioned Corps of the Public Health Service to be a military service and a branch of the land and naval forces of the United States subject to the Uniform Code of Military Justice to the extent prescribed therein, see E. O. 10349, Title 3, *supra*. (See § 21.261.)

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

[Public Land Order 818]

#### ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF  
DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

#### Correction

In F. R. Doc. 52-4440, appearing at page 3495 of the issue for Saturday, April 19, 1952, the word "reserves" in the sixth sentence of the second paragraph should read "reserved".

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [7 CFR Part 52]

#### UNITED STATES STANDARDS FOR GRADES OF CANNED SWEET CHERRIES<sup>1</sup>

##### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Sweet Cherries, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed

Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.243 *Canned sweet cherries.* "Canned sweet cherries" means the canned product prepared from mature cherries and as defined in the standard of identity for canned cherries (21 CFR 27.30) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Types of canned sweet cherries.* (1) "Light" type are of the light sweet varietal group and includes, but is not limited to, such varieties known as Royal Anne.

(2) "Dark" type are of the dark sweet varietal group and includes, but is not limited to, such varieties known as Bing, Black Republican, Schmidt, and Lambert.

(b) *Styles of canned sweet cherries.* Unless specifically designated as "pitted", canned sweet cherries are considered as "unpitted."

(1) "Unpitted" sweet cherries are stemmed cherries without the pits removed.

(2) "Pitted" sweet cherries are stemmed cherries with the pits removed.

(c) *Grades of canned sweet cherries.*

(1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned sweet cherries that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that are of such quality with respect to color and uniformity of size as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned sweet cherries that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that are of such quality with respect to color and uniformity of size as to score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned sweet cherries that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned sweet cherries that fail to meet the requirements of U. S. Grade C or

<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



U. S. Standard and is the quality of canned sweet cherries that may or may not meet the minimum standard of quality for canned cherries issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(d) *Liquid media and Brix measurements for canned sweet cherries.* "Cut-out" requirements for liquid media in canned sweet cherries are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

Designations	Brix measurement
"Extra heavy sirup" or "Extra heavy cherry juice sirup".	25° or more but not more than 26°.
"Heavy sirup" or "Heavy cherry juice sirup".	20° or more but less than 25°.
"Light sirup" or "Light cherry juice sirup".	16° or more but less than 20°.
"Slightly sweetened water" or "Slightly sweetened cherry juice".	Less than 16°.
"In water".	Packed in water.
"In cherry juice".	Packed in cherry juice.

(e) *Fill of container for canned sweet cherries.* The standard of fill of container for canned sweet cherries is the maximum quantity of cherries which can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient. Canned sweet cherries that do not meet this requirement are "Below Standard in Fill."

(f) *Recommended minimum drained weight.* The minimum drained weight recommendations for the applicable styles in Table I and Table II of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned sweet cherries is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch  $\pm$  3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and sweet cherries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(g) *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned sweet cherries is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations, for the applicable styles, if:

(1) The average drained weight from all the containers meets the recommended drained weight;

(2) One-half or more of the containers meet the recommended drained weight; and

(3) The drained weights from the containers which do not meet the recommended drained weight are within the

range of variability for good commercial practice.

TABLE I—UNPITTED CANNED SWEET CHERRIES

RECOMMENDED MINIMUM DRAINED WEIGHTS FOR UNPITTED CANNED SWEET CHERRIES

Container size or designation (metal unless otherwise stated)	[In ounces]			
	In extra heavy sirups	In heavy sirups	In light sirup and in slightly sweetened water or juice	In water
8 ounces.....	5	5	5½	5½
No. 1 tall.....	10	10½	10½	10½
No. 303.....	10	10½	10½	10½
No. 303 glass.....	10	10½	10½	10½
No. 2.....	12½	12½	13	13
No. 2½.....	18	18½	19	19
No. 2½ glass.....	17½	18½	18½	18½
No. 10.....	66	68	70	70

TABLE II—PITTED CANNED SWEET CHERRIES

RECOMMENDED MINIMUM DRAINED WEIGHTS FOR PITTED CANNED SWEET CHERRIES

Container size or designation (metal unless otherwise stated)	[In ounces]			
	In extra heavy sirups	In heavy sirups	In light sirup and in slightly sweetened water or juice	In water
8 ounces.....	4½	4½	5	5
No. 1 tall.....	9½	10	10½	10½
No. 303.....	9½	10	10½	10½
No. 303 glass.....	9½	10	10½	10½
No. 2.....	12	12½	12½	12½
No. 2½.....	17½	18	18½	18½
No. 2½ glass.....	17½	17½	18½	18½
No. 10.....	64	66	68	68

(h) *Ascertaining the grade.* (1) The grade of canned sweet cherries is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color.....	30
(ii) Uniformity of size.....	20
(iii) Absence of defects.....	30
(iv) Character.....	20

Total score..... 100

(3) "Normal flavor and odor" means that the canned sweet cherries are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

(1) *Color.* The factor of color refers to the color typical of the varietal group—either light sweet or dark sweet; and to the intensity and brightness of such characteristic color.

(i) Canned sweet cherries that possess a good color may be given a score of 27 to 30 points. "Good color" means that the cherries are bright and possess a

color typical of well-matured cherries of similar varieties which have been properly processed; that in light sweet cherries, the basic background color, exclusive of blush, is a pinkish-yellow to pale amber color and that the blush appears as a surface color ranging from very light pinkish-tan to tannish-brown; and that in dark sweet cherries, the basic background color is a typical deep red to purple red.

(ii) If the canned sweet cherries possess a reasonably good color, a score of 24 to 26 points may be given. "Reasonably good color" means that the cherries possess a color typical of reasonably well-matured cherries of similar varieties which have been properly processed; that in light sweet cherries, the basic background color, exclusive of blush, is pinkish-yellow to amber color which may be no more than slightly dull and that the blush appears as a surface color ranging from tan to tannish-brown; and that in dark sweet cherries, the basic background color is a typical deep red to purple red which may be no more than slightly dull.

(iii) If the canned sweet cherries possess a fairly good color, a score of 21 to 23 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the cherries possess a color typical of fairly well-matured cherries of similar varieties which have been properly processed; that in light sweet cherries, the basic background color and blush may be variable or may be slightly dull but is not off-color; and that in dark sweet cherries, the cherries may possess a slightly dull deep red to slightly dull purple red color that may be variable but is not off-color.

(iv) Canned sweet cherries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size.* The factor of uniformity of size refers to the uniformity of diameters in pitted and unpitted cherries, and to the variation of weight and minimum weight in unpitted cherries.

(i) "Diameter" means the minimum dimension of a cherry that will pass through a rigid ring of the same diameter without using pressure. In pitted cherries, the diameter is that which approximates the apparent original size had the cherry not been pitted but does not apply to any pitter-torn cherries.

(ii) Canned sweet cherries that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that:

(a) In unpitted cherries,  
(1) The weight of each cherry is not less than ⅓ ounce (2.54 grams);

(2) The weight of the largest cherry is not more than twice the weight of the smallest cherry; and

(3) Not more than 10 percent by count of the cherries may vary more than



$\frac{1}{16}$  inch in diameter but none may vary more than  $\frac{3}{16}$  inch in diameter.

(b) In pitted cherries,

(i) Not more than 10 percent by count of the cherries may vary more than  $\frac{1}{16}$  inch in diameter but none may vary more than  $\frac{3}{16}$  inch in diameter.

(iii) If the canned sweet cherries are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that:

(a) In unpitted cherries,

(1) The weight of each cherry is not less than  $\frac{1}{10}$  ounce (2.54 grams);

(2) The weight of the largest cherry is not more than twice the weight of the smallest cherry; and

(3) Not more than 10 percent by count of the cherries may vary more than  $\frac{1}{8}$  inch in diameter but none may vary more than  $\frac{1}{4}$  inch in diameter.

(b) In pitted cherries,

(i) Not more than 10 percent by count of the cherries may vary more than  $\frac{1}{8}$  inch in diameter but none may vary more than  $\frac{1}{4}$  inch in diameter.

(iv) If the canned sweet cherries are fairly uniform in size, a score of 14 or 15 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product. "Fairly uniform in size" means that:

(a) In unpitted cherries,

(1) The weight of each cherry is not less than  $\frac{1}{10}$  ounce (2.54 grams);

(2) The weight of the largest cherry is not more than twice the weight of the smallest cherry; and

(3) The cherries may vary in diameter measurements.

(b) In pitted cherries,

(1) The cherries may vary in diameter measurements.

(v) Canned "unpitted" sweet cherries which fail to meet subdivision (iv) of this subparagraph may be given a score of 0 to 13 points, shall not be graded above Substandard (this is a limiting rule), and are also "Below Standard in Quality" for the applicable reasons:

"Small";

"Mixed sizes."

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from portions of stems; from pits or portions thereof in pitted style; from slightly damaged, damaged, blemished, and seriously blemished cherries; and from any other defects which detract from the appearance or edibility of the product. Processing cracks are not considered as defects but are considered under the factor of character.

(i) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(ii) "Harmless extraneous material" means any vegetable substance (including, but not limiting to, a leaf or portion thereof, a stem or portion thereof longer than  $\frac{1}{2}$  inch) that is harmless.

(iii) "Portions of cherry stems", whether loose or attached, that are  $\frac{1}{2}$  inch or less are considered as a defect separate from "harmless extraneous material."

(iv) A "pit" is considered as a defect only in the style of pitted cherries and means a whole pit or portions of pits computed as follows:

(a) A single piece of pit shall, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(b) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(c) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(d) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(v) "Slightly damaged" means any injury other than blemishes which affects the appearance of the cherry, and includes:

(a) Slight circular cracks with slight discoloration, such as "rain checks," confined entirely within the stem basin and more than  $\frac{1}{4}$  inch, but not more than  $\frac{1}{2}$  inch, in length;

(b) Slight cracks with slight discoloration, such as "rain checks," outside the stem basin and more than  $\frac{1}{16}$  inch, but not more than  $\frac{3}{8}$  inch, in length;

(c) Mutilated cherries in unpitted style whereby the cherry is seriously torn at the stem end and that such torn area exceeds that of a circle  $\frac{1}{4}$  inch in diameter; and mutilated cherries in pitted style whereby the cherry is so pitter-torn or so damaged by other similar means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(vi) "Damaged" means any injury other than blemishes which affects the appearance of the cherry and includes:

(a) Serious circular cracks with discoloration, such as "rain checks," confined entirely within the stem basin and more than  $\frac{1}{2}$  inch in length;

(b) Serious cracks with discoloration, such as "rain checks," outside the stem basin and more than  $\frac{3}{8}$  inch in length;

(c) Deep cracks with discoloration, in unpitted style, outside the stem basin that are so deep as to expose the pit or that otherwise seriously affect the appearance of the cherry;

(d) Misshapen cherries and deformed or "double" cherries in unpitted style.

(vii) "Blemished" means any blemished areas on the skin, which singly or in the aggregate, materially affect the appearance of the cherry; and includes:

(a) such surface blemishes having an aggregate area exceeding that of a circle  $\frac{1}{16}$  inch in diameter, not extending into the fruit tissue but which materially affect the appearance of the cherry or (b) such blemishes having an aggregate area equivalent of, or less than, that of a circle  $\frac{3}{16}$  inch in diameter and extending into the fruit tissue so that the flesh is materially discolored.

(viii) "Seriously blemished" means blemished to the extent that the appearance or edibility of the cherry is seriously affected.

(ix) Canned sweet cherries that are practically free from defects may be given a score of 27 to 30 points. "Prac-

tically free from defects" means that the canned sweet cherries are practically free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(a) 1 piece of harmless extraneous material for each 60 ounces of net contents;

(b) No portions of cherry stems;

(c) In pitted style, 1 pit for each 20 ounces of net contents; and

(d) A total of 10 percent by count of the cherries may be slightly damaged, damaged, blemished, seriously blemished, or any combination thereof but not more than 5 percent by count of the cherries may be damaged, blemished, seriously blemished, or any combination thereof: *Provided*, That not more than 2 percent by count of the cherries may be seriously blemished.

(x) If the canned sweet cherries are reasonably free from defects, a score of 24 to 26 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned sweet cherries are reasonably free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(a) 1 piece of harmless extraneous material for each 40 ounces of net contents;

(b) A total of 5 portions of cherry stems for each 20 ounces of net contents but not more than 1 portion of cherry stem may be longer than  $\frac{1}{4}$  inch but not longer than  $\frac{1}{2}$  inch;

(c) In pitted style, 1 pit for each 20 ounces of net contents; and

(d) A total of 20 percent by count of the cherries may be slightly damaged, damaged, blemished, seriously blemished, or any combination thereof but not more than 10 percent by count of the cherries may be damaged, blemished, seriously blemished, or any combination thereof: *Provided*, That not more than 3 percent by count of the cherries may be seriously blemished.

(xi) If the canned sweet cherries are fairly free from defects, a score of 21 to 23 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned sweet cherries are fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(a) 1 piece of harmless extraneous material for each 20 ounces of net contents;

(b) A total of 10 portions of cherry stems for each 20 ounces of net contents but not more than 3 portions of cherry stems, each of which may be longer than  $\frac{1}{4}$  inch but not longer than  $\frac{1}{2}$  inch;



(c) In pitted style, 1 pit for each 20 ounces of net contents; and

(d) A total of 30 percent by count of the cherries may be slightly damaged, damaged, blemished, seriously blemished, or any combination thereof but not more than 15 percent by count of the cherries may be blemished and seriously blemished.

(xii) Canned sweet cherries which fail to meet subdivision (xi) of this subparagraph may be given a score of 0 to 20 points; shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and may be "Below Standard in Quality" for the applicable reasons:

"Partially pitted;"  
"Blemished."

(4) **Character.** The factor of character refers to the fleshiness and to the tenderness and texture in relation to maturity in the canned sweet cherries and to the presence of serious processing cracks in unpitted style. "Serious processing cracks" means cracks without any discoloration that are so deep as to expose the pit; processing cracks that are not serious are not scoreable.

(i) Canned sweet cherries that possess a good character may be given a score of 18 to 20 points. "Good character" means that the cherries are thick-fleshed in relation to size, are tender but not soft or noticeably flabby, and otherwise possess a good texture characteristic of canned sweet cherries that have been properly processed from well-matured cherries; that not more than 5 percent by count of the cherries may possess a reasonably good character; and, in unpitted style, that not more than 5 percent by count of the cherries may possess serious processing cracks.

(ii) If the canned sweet cherries possess a reasonably good character, a score of 16 or 17 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cherries are reasonably thick-fleshed in relation to size, are reasonably tender but not more than slightly soft nor markedly flabby, and otherwise possess a texture characteristic of canned sweet cherries that have been properly processed from reasonably well-matured cherries; that not more than 10 percent by count of the cherries may possess a fairly good character provided, in unpitted cherries, none are thin-fleshed; and that, in unpitted style, not more than 10 percent by count of the cherries may possess serious processing cracks.

(iii) If the canned sweet cherries possess a fairly good character, a score of 14 or 15 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the cherries may be lacking in thickness of flesh in relation to size but, in unpitted cherries, the total weight of pits is not more than 12 percent of the weight of drained cherries; may be variable in tenderness and tex-

ture, ranging from firm to soft, but characteristic of canned sweet cherries that may have been processed from slightly immature to slightly over-mature cherries; that not more than 10 percent by count of the cherries may be markedly flabby; and that, in unpitted style, serious processing cracks may be present.

(iv) Canned sweet cherries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Canned pitted sweet cherries in which the total weight of the pits is more than 12 percent of the weight of drained cherries are also "Below Standard in Quality—Thin Fleshed."

(j) **Tolerances for certification of officially drawn samples.** (1) When certifying samples that have been officially drawn and which represent a specific lot of canned sweet cherries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) **Score sheet for canned sweet cherries.**

Size and kind of container.....  
Container mark or identification.....  
Label.....  
Net weight (ounces).....  
Vacuum (inches).....  
Drained weight (ounces).....  
Count per container.....  
Brix measurement.....  
Sirup designation (extra heavy, heavy, etc.).....  
Type ( ) Light ( ) Dark.....  
Style ( ) Unpitted ( ) Pitted.....

Factors	Score points
I. Color.....	(A) 27-30 (B) 24-26 (C) 21-23 (SStd) 10-20 (A) 18-30 (B) 16-17 (C) 14-15 (SStd) 10-13
II. Uniformity of size.....	(A) 27-30 (B) 24-26 (C) 21-23 (SStd) 10-20 (A) 18-30 (B) 16-17 (C) 14-15 (SStd) 10-13
III. Absence of defects.....	(A) 27-30 (B) 24-26 (C) 21-23 (SStd) 10-20 (A) 18-30 (B) 16-17 (C) 14-15 (SStd) 10-13
IV. Character.....	(A) 27-30 (B) 24-26 (C) 21-23 (SStd) 10-20 (A) 18-30 (B) 16-17 (C) 14-15 (SStd) 10-13
Total score.....	100

Normal flavor and odor.....  
Grade.....

\* Indicates limiting rule.

Issued at Washington, D. C. this 24th day of April 1952.

[SEAL] ROY W. LENNARTSON,  
Assistant Administrator, Pro-  
duction and Marketing Ad-  
ministration.

[F. R. Doc. 52-4778; Filed, Apr. 28, 1952;  
8:54 a. m.]

## [ 7 CFR Part 52 ]

### UNITED STATES STANDARDS FOR GRADES OF CANNED PLUMS<sup>1</sup>

#### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Plums, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.573 **Canned plums.** Canned plums (including prune plums) are the properly ripened fresh fruit of the plum tree (*Prunus domestica*), are prepared by stemming and washing, are packed with water or sirup, and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) **Varieties of canned plums.** (1) Purple plum groups.

(2) Green gage plum groups.

(3) Yellow egg plum groups.

(b) **Styles of canned plums.** (1) "Whole" canned plums are whole, unpeeled, unpitted plums.

(2) "Halved" canned plums are unpeeled, pitted plums, cut or separated longitudinally into approximate halves.

(c) **Grades of canned plums.** (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned plums that possess similar varietal characteristics; that are practically free from defects; that possess a normal flavor and odor; and that are of such quality with respect to color, uniformity of size, and character as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned plums that pos-

<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



sess similar varietal characteristics; that possess a reasonably good color; that are reasonably free from defects; that possess a normal flavor and odor; and that are of such quality with respect to uniformity of size and character as to score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned plums that possess similar varietal characteristics; that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" is the quality of canned plums that possess similar varietal characteristics; that possess a fairly good color; that may or may not be fairly uniform in size; that are fairly free from defects except that there is no limit on crushed or broken units; that may or may not possess a fairly good character; and that possess a normal flavor and odor.

(5) "Substandard" is the quality of canned plums that fails to meet the requirements of either U. S. Grade C or U. S. Standard or U. S. Grade D, or both.

(d) *Recommended designations of liquid media and Brix measurements for canned plums.* "Cut-out" requirements for liquid media in canned plums are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned plums have the following "cut-out" Brix measurement for the applicable designation, which designations include, but are not limited to:

Designation	Brix measurement
"Extra heavy sirup"-----	26° or more but not more than 35°.
"Heavy sirup"-----	21° or more but less than 26°.
"Light sirup"-----	16° or more but less than 21°.
"In water"-----	Packed in water.

(e) *Recommended fill of container for canned plums.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned plums be filled with plums as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(f) *Recommended minimum drained weight.* The minimum drained weight recommendations for the applicable styles in Table I and Table II of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned plums is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to

the inch (0.0937-inch  $\pm 3\%$ , square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and plums less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404  $\times$  414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(g) *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned plums is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations, for the applicable styles, if in:

- (1) Whole style,
- (i) The average of the drained weights from all of the containers meets the

average of the recommended drained weights for the counts from the containers examined;

(ii) One-half or more of the containers meet the recommended drained weight for the respective count found; and

(iii) The drained weights from the containers which do not meet the recommended drained weight for the count found are within the range of variability for good commercial practice.

(2) Halved style.

(i) The average drained weight from all the containers meets the recommended drained weight;

(ii) One-half or more of the containers meet the recommended drained weight; and

(iii) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR WHOLE CANNED PLUMS

[In ounces]

Range of count of whole plums per container	Any grade in any sirup or other liquid medium other than No. 10 cans "in water"						
	Metal containers						Glass containers
	8 ounces tall (211 $\times$ 294)	No. 1 tall (301 $\times$ 411)	No. 303 (303 $\times$ 406)	No. 2 (307 $\times$ 409)	No. 2½ (401 $\times$ 411)	No. 10 (603 $\times$ 700)	No. 303 No. 2½
7 to 10.....	4¼	9	9	10¼	15½	-----	9 15½
11 to 16.....	4½	9	9	10½	15¾	-----	9 15¾
17 to 22.....	-----	-----	-----	11	16	-----	15½
23 and over.....	-----	-----	-----	-----	16½	-----	15½
Any count.....	Whole style "in water" only No. 10 (603 $\times$ 700)						60
Any count.....	65 ounces						-----

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR HALVED CANNED PLUMS

Container designation (metal, unless otherwise stated)	Container size (overall dimensions)		Any grade in any sirup or other liquid medium
	Width	Height	
	Inches	Inches	Ounces
8 ounce tall.....	2½	3½	4¼
8 ounce glass.....	-----	-----	4¼
No. 1 tall.....	3½	4½	9¼
No. 303.....	3½	4½	9¼
No. 2.....	3½	4½	9¼
No. 2½.....	4½	4½	12
No. 2½ glass.....	-----	-----	16¼
No. 10.....	6½	7	17½
Any count.....	65		65

(h) *Ascertaining the grade.* (1) The grade of canned plums is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color.....	20
(ii) Uniformity of size.....	20
(iii) Absence of defects.....	30
(iv) Character.....	30

Total score..... 100

(3) "Normal flavor and odor" means that the canned plums are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* The factor of color refers to the color of the background skin and any exposed flesh typical for the varietal group and to the intensity and brightness of such characteristic color. Characteristic mottling on the skin for the varietal group is considered as typical color and not as lacking in uniformity of color.

(i) Canned plums that possess a good color may be given a score of 18 to 20 points. "Good color" means that the plums possess a practically uniform, bright color typical of well-matured plums of a single varietal group which have been properly processed; that any exposed flesh is reasonably bright; and that not more than 10 percent by count of the units may possess a reasonably good color, including the over-all "dead-brown" color of canned purple plums. To score in this classification canned



purple plums shall be surrounded by a practically clear and highly colored purple liquid.

(ii) If the canned plums possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the plums possess a reasonably uniform, reasonably bright color typical of reasonably well-matured plums of a single varietal group which have been properly processed; that any exposed flesh may be only fairly bright; and that not more than 15 percent by count of the units may possess a fairly good color. To score in this classification canned purple plums shall be surrounded by a reasonably clear and reasonably high-colored liquid.

(iii) If the canned plums possess a fairly good color, a score of 14 or 15 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or Standard or U. S. Grade D, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the plums possess a color typical of at least fairly well-matured plums of a single varietal group which have been properly processed; that such characteristic color may be markedly variable including the over-all "dead-brown" color of canned purple plums but is not off-color for any reason.

(iv) Canned plums that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size.* Any plums of halved style that are not cleanly divided into halves shall be separated into two approximately equal halves before ascertaining uniformity of size.

(i) Canned plums that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that the weight of the largest unit does not exceed the weight of the second-smallest unit by more than 50 percent.

(ii) If the canned plums are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that the weight of the largest unit does not exceed the weight of the second smallest unit by more than 75 percent.

(iii) If the canned plums are fairly uniform in size, a score of 14 or 15 points may be given. "Fairly uniform in size" means that the weight of the largest unit may be not more than twice the weight of the second smallest unit.

(iv) Canned plums that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from crushed or broken units; from pits or loose pits for the applicable

style; from damaged and seriously damaged units; and from any other defects which detract from the appearance or edibility of the product.

(i) A "unit", in whole style, means a whole or substantially whole plum and, in halved style, any whole or partially whole plum is separated into two approximately equal halves and each half therefrom is considered a "unit."

(ii) "Harmless extraneous material" means any vegetable substance (including, but not limited to, a leaf or stem or significant portions thereof) that is harmless.

(iii) "Crushed or broken" means that a unit bears marks of crushing or is otherwise crushed or broken not due to ripeness. In whole style, plums that possess broken skins or that are split to the pit cavity are not considered crushed or broken unless the entire pit cavity is exposed or the unit is mutilated to the extent that it is not intact as a whole or substantially whole plum. In halved style, halves of plums that are slightly split are not considered crushed or broken unless the unit is seriously mutilated.

(iv) A "pit" means a whole pit or any portion thereof. In whole style, only "loose pits" are considered as defects. In halved style, pits are considered as defects whether loose or attached to a unit.

(v) "Damaged" means any injury which, singly or in the aggregate on or in a unit, materially affects the appearance of the unit and includes, but is not limited to:

(a) Surface areas blemished by sunburn, scab, or other serious discoloration (exclusive of characteristic mottling) having an aggregate area exceeding that of a circle  $\frac{3}{16}$  inch in diameter and not extending into the fruit tissue;

(b) Surface areas blemished by sunburn, scab, or other serious discoloration (exclusive of characteristic mottling) having an aggregate area equivalent of, or less than, that of a circle  $\frac{3}{16}$  inch in diameter and extending into the fruit tissue so that the flesh is materially discolored or toughened;

(c) Abnormalities, such as "doubles" and growth cracks, but not "shriveled" areas;

(d) External gummosis.

(vi) "Seriously damaged" means damaged to the extent that the appearance or edibility of the unit is seriously affected.

(vii) Canned plums that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned plums are practically free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(a) No harmless extraneous material;

(b) No crushed or broken units;

(c) 1 loose pit for each 32 ounces of net weight in whole style and no pits in halved style;

(d) A total of 10 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 3 percent by count of the units may be seriously damaged. One unit in a single

container is permitted to be damaged or one unit in a single container is permitted to be seriously damaged if any of such units exceed the respective allowances of 10 percent and 3 percent by count, provided that in all containers comprising the sample such damaged and seriously damaged units do not exceed an average of 10 percent by count of the total number of units or that such seriously damaged units do not exceed an average of 3 percent by count of the total number of units.

(viii) If the canned plums are reasonably free from defects, a score of 24 to 26 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned plums are reasonably free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(a) 1 small stem or 1 small leaf for each 32 ounces of net weight; and no other harmless extraneous material;

(b) 5 percent by count of the units may be crushed or broken;

(c) 1 loose pit for each 16 ounces of net weight in whole style and no pits in halved style; and

(d) A total of 15 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 5 percent by count of the units may be seriously damaged. One unit in a single container is permitted to be seriously damaged if such unit exceeds the allowance of 5 percent by count, provided that in all containers comprising the sample such seriously damaged units do not exceed an average of 5 percent by count of the total number of units.

(ix) If the canned plums are fairly free from defects, a score of 21 to 23 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned plums are fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(a) 1 small stem or 1 small leaf for each 16 ounces of net weight and 1 piece of other harmless extraneous material for each 100 ounces of net weight;

(b) 10 percent by count of the units may be crushed or broken;

(c) 3 loose pits for each 32 ounces of net weight in whole style and 1 pit for each 32 ounces of net weight in halved plums; and

(d) A total of 20 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 10 percent by count of the units may be seriously damaged. One unit in a single container is permitted to be seriously damaged if such unit exceeds 10 percent by count, provided that in all containers comprising the sample such seriously



## PROPOSED RULE MAKING

damaged units do not exceed an average of 10 percent by count of the total number of units.

(x) Canned plums that fail to meet the requirements of subdivision (ix) (b) of this subparagraph only with respect to crushed or broken units may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D, regardless of the total score for the product (this is a limiting rule).

(xi) Canned plums that fail to meet the requirements of subdivision (ix) of this subparagraph with respect to requirements other than subdivision (ix) (b) of this subparagraph for crushed and broken units may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* The factor of character refers to the texture and condition of the flesh in relation to ripeness or maturity, to the tenderness and firmness of the canned plum, and to shriveled areas of the skin.

(i) Canned plums that possess a good character may be given a score of 27 to 30 points. "Good character" means that the units are thick-fleshed in relation to size, are tender and may be soft but hold their apparent original conformation, and otherwise possess a good texture of both skin and flesh characteristic of canned plums that have been properly processed from well-ripened or well-matured plums; and that not more than a total of 10 percent by count of the canned plums may possess a reasonably good character or may possess shriveled areas that do not materially affect the appearance of the plum.

(ii) If the canned plums possess a reasonably good character, a score of 24 to 26 points may be given. "Reasonably good character" means that the units may be slightly lacking in thickness of flesh in relation to size, may be variable in texture from soft to slightly firm, and otherwise possess a reasonably good texture of both skin and flesh characteristic of canned plums that have been properly processed from reasonably well-ripened or reasonably well-matured plums; and that not more than a total of 20 percent by count of the canned plums may possess a fairly good character or may possess shriveled areas that do not materially affect the appearance of the plum.

(iii) If the canned plums possess a fairly good character, a score of 21 to 23 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units may be more than slightly lacking in thickness of flesh, possess a fairly good texture of both skin and flesh characteristic of canned plums that have been properly processed from fairly well-ripened or fairly well-matured plums, may be variable in texture from very soft to slightly tough but are not so soft as to show material disintegration, and may possess shriveled areas that mate-

rially affect, but do not seriously affect, the appearance of the canned plums.

(iv) Canned plums that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerances for officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of canned plums, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned plums.*

Size and kind of container.....		.....
Container mark or identification.....		.....
Label.....		.....
Net weight (ounces).....		.....
Vacuum (inches).....		.....
Count.....		.....
Drained weight (ounces).....		.....
Brix measurement.....		.....
Strip designation (extra heavy, heavy, etc.).....		.....
Style (whole) (halves).....		.....
Factors	Score points	
I. Color.....	20	(A) 18-20.....
		(B) 16-17.....
		(C) and (D) 14-15.....
		(SStd) 10-13.....
II. Uniformity of size.....	20	(A) 18-20.....
		(B) 16-17.....
		(C) 14-15.....
		(D) and (SStd) 10-13.....
III. Absence of defects.....	20	(A) 27-30.....
		(B) 24-26.....
		(C) 21-23.....
		(D) and (SStd) 10-20.....
IV. Character.....	30	(A) 27-30.....
		(B) 24-26.....
		(C) 21-23.....
		(D) and (SStd) 10-20.....
Total score.....	100	
Normal flavor and odor.....		
Grade.....		

\* Indicates limiting rule.

Issued at Washington, D. C., this 24th day of April 1952.

[SEAL] ROY W. LENNARTSON,  
Assistant Administrator, Pro-  
duction and Marketing Ad-  
ministration.

[F. R. Doc. 52-4780; Filed, Apr. 28, 1952;  
8:55 a. m.]

## [ 7 CFR Part 946 ]

HANDLING OF MILK IN LOUISVILLE,  
KENTUCKY, MARKETING AREANOTICE OF RECOMMENDED DECISION AND  
OPPORTUNITY TO FILE WRITTEN EXCEP-  
TIONS WITH RESPECT TO PROPOSED  
AMENDMENT TO TENTATIVE MARKETING  
AGREEMENT, AND TO AMENDED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the amended order, regulating the handling of milk in the Louisville, Kentucky, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 3d day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which this proposed amendment to the tentative marketing agreement and to the amended order was formulated, was conducted at Louisville, Kentucky, on March 25, 1952, pursuant to notice thereof which was issued on March 14, 1952 (17 F. R. 2365).

The material issues of record are concerned with:

1. Provision of location and transportation differentials on milk received from producers at country plants.

2. Modification of the order provision concerning those local manufacturing plants whose paying prices are used as one of the alternatives in the basic formula.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof.

1. *Location and transportation differentials.* The uniform price to producers delivering milk to country plants more than 25 miles from the Louisville City Hall should be subject to a location differential, and the class prices to handlers on that portion of such milk which is moved as milk to a plant in the marketing area or disposed of as milk for Class I use outside the marketing area should be subject to a transportation differential.

A proposal made by handlers would incorporate a schedule of differentials in the order providing for a deduction of 13 cents per hundredweight on milk delivered to a country plant between 25 and 35 miles from the Louisville City Hall, 15 cents at 35 to 45 miles, 17 cents for the 45 to 55 mile zone, and an additional one cent for each ten miles or fraction there-



of beyond 55 miles. The same differentials would apply to the class prices paid by handlers on milk shipped to the marketing area.

The 17 cent differential for the 45 to 55 mile zone as proposed by handlers is the same as that proposed by producers for the 50 to 55 mile zone in their proposal made at a previous hearing held in Louisville, in December 1950. Under the producer proposal, which provided for no differential at plants located less than 50 miles from Louisville, the 17 cents would have been increased one cent for each additional five miles beyond the 55 mile limit.

At the present time there are no location or transportation differentials provided in the order. A handler is required to pay the same class prices for producer milk whether it is received at a country plant or a city plant and producers receive the same uniform price regardless of where their milk is delivered. All expense of transporting the milk between plants must be borne by the handler.

Incorporation of a schedule of location and transportation differentials in the order will provide some encouragement for the operation of country receiving stations and thereby help to assure that the needed supply of milk will be available for the Louisville market. It appears that the needs of the Louisville market may require future expansion of the milk production area. The use of country stations to receive milk may in some instances be the most economic means of obtaining such expansion.

While the handlers' proposal for differentials would be applicable to any qualified country plant there is presently only one such plant under the Louisville order. This is the Taylorsville plant of the Ewing-Von Allmen Company, which is located approximately 34 miles from Louisville.

The difference between the value of producer milk delivered to a plant in the marketing area and that delivered to a country plant is essentially the cost of transporting such milk from the country plant to a plant in the marketing area. The Ewing-Von Allmen Company now pays 13 cents per hundredweight for transporting milk by tank truck from Taylorsville to Louisville. This rate, which is paid a contract hauler, appears reasonable. It has not been changed within the past four years despite increased labor and other costs. The hauler states that he is willing to continue bringing the milk into Louisville at this rate.

The handler operating the plant contends that the expense of hauling milk to Louisville makes the maintenance of this plant uneconomic and that in the absence of transportation differentials it will be necessary to close the plant. It is considered appropriate to allow such a differential to handlers for assuming the burden of transporting the milk to market. If the handler did not assume this function producers themselves would be required to bear any added expense of transporting the milk to the market.

In a milkshed the size of Louisville there is an automatic safeguard against transportation differentials which are

too large in that any producer may send his milk directly to the market if the provision of location differentials at country plants is disadvantageous to him. Established trucking routes pick up the milk from most of the 167 producers currently supplying the Taylorsville plant. The hauling rates from farm to plant paid by the Taylorsville producers vary from 20 cents to 50 cents per hundredweight and average 30.5 cents. With a location differential in the order, some producers now delivering to Taylorsville may find it to their advantage to ship directly to a city plant. It was stated on the record hauling rates now paid by Taylorsville producers will be reduced competitively in this light.

On the other hand witnesses testified that the routes on which milk is picked up for delivery to Taylorsville are mostly in areas away from the main arterial roads and otherwise so arranged that they would not lend themselves advantageously to pick up milk for direct delivery to plants in the marketing area. For these producers the maintenance of country plant assembly through location differentials will result in a net saving of transportation expense.

Changes in the calculation of uniform prices, reporting and order numbering which are necessary to effectuate the foregoing changes are provided in the amendment attached hereto.

2. *Application of local manufacturing plant price quotations.* The list of the 7 local manufacturing plants, whose average pay prices are now included in the order as one of the alternative methods of determining the basic formula price, should be revised. The average of the basic or field prices per hundredweight paid by these 7 plants for ungraded milk in addition to being one of the factors in the basic formula is one of the alternatives used in determining the Class II price.

The ownership of two of the 7 plants, namely the Salem, Indiana and Madison, Indiana, plants, changed in the fall of 1951. The prices paid at these plants continue to be based on use of the milk for manufactured products, and the plants are supplied by essentially the same group of ungraded producers. It is concluded that the further use of prices paid at these plants will result in a continuation of the same relative level of prices as that originally intended when the 7 plants were first selected.

The Corydon, Indiana, plant discontinued operations November 1951, thereby reducing the available number of price quotations to six.

Producers proposed that the Kraft Foods Company plant at Paoli, Indiana, be added to the list of the local manufacturing plants whose pay prices are used in the basic formula and as an alternative in determining the Class II price. By including this plant the number of local manufacturing plants used in this price computation would be the same as it was before the Corydon, Indiana, plant discontinued operating. The record indicates that the prices paid at the Paoli plant for ungraded milk are closely aligned with the prices paid by the other local manufacturing plants.

The Paoli plant receives significant quantities of upgraded milk which it makes into American cheese. It is not far from the Corydon plant which it should replace for pricing purposes. Some of the dairy farmers who formerly shipped to Corydon now ship to Paoli. Also it is within the same radius from Louisville as are the other local manufacturing plants now named in the order. Its addition to the list of those local manufacturing plants whose paying prices are used in determining the alternative Class II price will make this price more representative of the value of ungraded milk in the Louisville milkshed.

Testimony adduced at the hearing indicated that provision should be worded so that future changes in ownership at the 7 plants will not interfere with the use under the order of prices paid at the plants. Also the order should be reworded so that the market administrator can use prices reported paid or to be paid. The amendment herein provided includes these changes.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order, as amended.* The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete all of § 946.30 which precedes paragraph (a) thereof and substitute therefor the following:

§ 946.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each of his pool plants in the detail and on the forms prescribed by the market administrator as follows:



2. Delete all of § 946.51 which precedes paragraph (b) thereof and substitute therefor the following:

§ 946.51 *Class prices.* Subject to the provisions of §§ 946.52 and 946.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I price.* The price of Class I milk shall be the basic formula price plus \$1.25 per hundredweight.

3. Delete § 946.51 (b) (1) and substitute therefor the following:

(1) From the average of the basic or field prices per hundredweight reported to the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at plants at the following locations:

*Operator and Location*

Armour Creameries, Elizabethtown, Ky.  
Armour Creameries, Springfield, Ky.  
Kraft Foods Co., Lawrenceburg, Ky.  
Kraft Foods Co., Paoli, Ind.  
Salem Cheese & Milk Co., Salem, Ind.  
Madison Milk Co., Madison, Ind.  
Producers Dairy Marketing Association, Orleans, Ind.

Subtract the amount computed by multiplying the Chicago butter price for the month by 0.12, and then by 2.

4. Add a new section to read as follows:

§ 946.53 *Transportation differential.* With respect to milk received from producers at a country plant, which is moved as milk from such plant directly to a plant in the marketing area or which is disposed of as milk for Class I use outside the marketing area, the class prices per hundredweight shall be reduced at the rates set forth in the following schedule based on the shortest distance via hard surfaced highway, as determined by the market administrator, from the plant where the milk is first received from producers to City Hall in Louisville:

Mileage zone:	Rate
Not more than 25 miles.....	0
More than 25 but not more than 35 miles.....	13
More than 35 but not more than 45 miles.....	15
More than 45 but not more than 55 miles.....	17
For each additional 10 miles or fraction thereof an additional.....	1

5. In §§ 946.60 and 946.61 change the reference from "946.50 through 946.52" to read "946.50 through 946.53".

6. In § 946.71 renumber paragraphs (c), (d), (e), and (f) thereof to be paragraphs (d), (e), (f), and (g), respectively; and add a new paragraph (c) to read as follows:

(c) Add an amount computed by multiplying the hundredweight of milk received from producers at each country plant by the appropriate zone differential provided in § 946.53.

7. In § 946.80 delete the word "differential" and substitute therefor: "and location differentials."

8. In § 946.83 delete the word "differential" and substitute therefor: "and location differentials."

9. In § 946.84 (b) change the reference from "§ 946.71 (c)" to read "§ 946.71 (d)".

10. Renumber §§ 946.82, 946.83, 946.84, 946.85, 946.86, 946.87, and 946.88 and all references to them wherever they appear in the order to read "§§ 946.83, 946.84, 946.85, 946.86, 946.87, 946.88, and 946.89," respectively; and add a new section, "§ 946.82", to read as follows:

§ 946.82 *Location differential.* In making payments to producers pursuant to § 946.80 a handler shall deduct from the uniform price, with respect to all milk received from producers at a country plant, not more than the appropriate zone differential provided in § 946.53.

Filed at Washington, D. C., this 23d day of April 1952.

[SEAL] ROY W. LENNARTSON,  
Assistant Administrator.

[F. R. Doc. 52-4753; Filed, Apr. 28, 1952; 8:49 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management MONTANA

#### ORDER PROVIDING FOR WITHDRAWAL OF LANDS FOR PUBLIC STOCK WATERING AND STOCK DRIVEWAY PURPOSES; NO. 19

APRIL 18, 1952.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315f), and pursuant to the authority delegated by the Director, Bureau of Land Management in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

The following described public lands in Montana are hereby classified as necessary and suitable for public stock watering and stock driveway purposes, and are withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public, the reservation to be known as Stock Driveway Withdrawal Montana No. 19:

#### MONTANA PRINCIPAL MERIDIAN

T. 23 N., R. 22 E.,  
Sec. 20, lot 2,  
Sec. 21, lots 1, 3, 4.

The area described above aggregates 118.81 acres.

The withdrawal made by this order shall be subject to provisions of prior Power Site Reserves No. 500 dated July 19, 1915, and No. 757 dated February 7, 1922, and Power Site Classification No. 301 dated August 31, 1937, so far as such orders affect the above described lands.

PAUL W. HOWARD,  
Acting Regional Administrator.

[F. R. Doc. 52-4767; Filed, Apr. 28, 1952; 8:52 a. m.]

### DEPARTMENT OF COMMERCE

#### Office of the Secretary

#### DIRECTOR, NATIONAL BUREAU OF STANDARDS

#### DELEGATION OF AUTHORITY TO ACCEPT AND UTILIZE GIFTS OR REQUESTS OF REAL OR PERSONAL PROPERTY

Section 13 (a) of the act of March 13, 1901 (31 Stat. 1449); as amended by section 2 of Public Law 619, 81st Congress, provides:

The Secretary of Commerce is authorized to accept and utilize gifts or bequests of real or personal property for the purpose of aiding and facilitating the work authorized herein.

The Director, National Bureau of Standards, is hereby delegated the authority vested in the Secretary of Commerce to accept and utilize gifts or bequests of real or personal property for the purposes described in the above-cited provision of law. This delegation of authority is made pursuant to the au-

thority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950.

[SEAL] CHARLES SAWYER,  
Secretary of Commerce.

[F. R. Doc. 52-4745; Filed, Apr. 28, 1952; 8:47 a. m.]

### Federal Maritime Board

[No. M-54]

#### AMERICAN PRESIDENT LINES, LTD.

#### NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER A GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSEL FOR EM- PLOYMENT IN THE ROUND-THE-WORLD SERVICE

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on May 7, 1952, at 10 o'clock a. m., e. d. s. t., in Room 4823, Department of Commerce Building, before an examiner of the Hearing Examiners' Office, upon the application of American President Lines, Ltd., to bareboat charter a Government-owned, war-built, dry-cargo Victory-type (AP-3) vessel for employment in its round-the-world service.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately



served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence also will be received with respect to any restrictions or conditions that may under the statute be included in the charter if the application should be granted.

All persons having an interest in the application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days or such shorter time as may be agreed to at the hearing within which to file exceptions to, or memoranda in support of, the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: April 24, 1952.

By order of the Federal Maritime Board.

[SEAL]

R. L. McDONALD,  
Assistant Secretary.

[F. R. Doc. 52-4820; Filed, Apr. 28, 1952;  
8:55 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5376]

BRANIFF AIRWAYS, INC., AND MID-CONTINENT AIRLINES, INC.; MERGER CASE

### NOTICE OF ORAL ARGUMENT

In the matter of the application of Braniff Airways, Inc., and Mid-Continent Airlines, Inc., under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for approval of an agreement of merger.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 2, 1952, at 10:00 a. m. (daylight saving time) in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 23, 1952.

[SEAL]

FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 52-4777; Filed, Apr. 23, 1952;  
8:54 a. m.]

## ECONOMIC STABILIZATION AGENCY

### Office of Price Stabilization

[Ceiling Price Regulation 9, S. R. 3,  
Special Order 7]

### GENERAL TIME CORP.

### CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. This order establishes uniform retail and wholesale ceiling prices for the sale in

the Territory of Hawaii of watches and clocks manufactured by the Westclox Division of General Time Corporation, under the trade name "Westclox" on the basis of an application filed by the General Time Corporation under SR 3 to CPR 9. This supplementary regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale in a territory or possession of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in that territory or possession at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under CPR 9.

The order may also establish uniform wholesale ceiling prices if the applicant had a policy for uniform wholesale prices of a commodity for territorial sales and can establish that the merchandise when sold at wholesale in that territory immediately prior to January 26, 1951, was sold at substantially uniform wholesale prices.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this supplementary regulation has been vested in the Director of Region XIV.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to SR 3 to CPR 9, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer or wholesaler in the Territory of Hawaii of watches and clocks manufactured by Westclox, Division of General Time Corporation, LaSalle, Illinois, bearing the brand name "Westclox", are the retail and wholesale prices listed in the application of the General Time Corporation dated November 21, 1951, as amended by a supplementary application dated April 11, 1952, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as possible. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 15, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The applicant must annex a copy of this price list to a copy of this order and, within 15 days of the effective date of this order, supply 10 copies of the list and order to the Director of the Region XIV office of the Office of Price Stabilization and 1 copy to each retailer and wholesaler to whom the applicant had delivered an article covered by this order within the two-month period immediately preceding the issuing of this regulation. A copy of this special order and the attached list shall be sent to all other

purchasers for sale at retail or wholesale on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., two copies of this notice and the attached list within fifteen days of the effective date of this order, and a list of all retailers and wholesalers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

Our ceiling price for sales to wholesalers	Wholesale ceiling price	Retail ceiling price

3. The applicant for this order must, within 60 days from the effective date of this order, either pre-ticket all articles covered by it, or provide to retailers, sufficient tags with each shipment for retailers, to ticket the articles, with the retail ceiling price in the following form:

OPS-CPR 9-SR 3  
Ceiling Price \$-----

4. No retailer may sell or offer to sell any article covered by this order until a ticket as provided in section 3 has been attached to the article either by him, by the wholesaler, or by the manufacturer.

5. The applicant must file within 45 days of the expiration of the first six-month period following the effective date of this order and within 45 days of the expiration of each successive six-month period with the Director of Region XIV of the Office of Price Stabilization, Washington, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

6. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date: This special order shall become effective on April 24, 1952.

WILLIAM T. CARROLL,  
Regional Director.

APRIL 23, 1952.

[F. R. Doc. 52-4723; Filed, Apr. 23, 1952;  
4:38 p. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1464]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

APRIL 22, 1952.

On August 16, 1950, United Natural Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Oil City, Pennsylvania, filed an application, as supplemented on March 9, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the merger and con-



solidation of Applicant, Ridgway Natural Gas Company, St. Marys Natural Gas Company, Smithport Natural Gas Company, and Mercer County Gas Company into a new corporation to be known as United Natural Gas Company, all as more fully described in said application, as supplemented, on file with the Commission and open to public inspection.

Due notice of the filing of such application has been given, including publication in the FEDERAL REGISTER on August 30, 1950 (15 F. R. 5855).

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on May 13, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.*

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of Issuance: April 23, 1952.

By the Commission.

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 52-4756; Filed, Apr. 28, 1952;  
8:50 a. m.]

[Docket Nos. G-1630, G-1631, G-1912, G-1651,  
G-1945, G-1718, G-1888, G-1934]

EL PASO NATURAL GAS CO. ET AL.

ORDER INSTITUTING INVESTIGATION, FIXING  
DATE FOR HEARING, AND CONSOLIDATING  
PROCEEDINGS

APRIL 22, 1952.

In the matters of El Paso Natural Gas Company, Docket Nos. G-1630, G-1631, G-1912; Pacific Gas and Electric Company, Docket Nos. G-1651, G-1945; Southern California Gas Company and Southern Counties Gas Company of California, Docket No. G-1718; Nevada Natural Gas Pipe Line Company, Docket No. G-1888; San Diego Gas and Electric Company, Docket No. G-1934.

Pacific Gas and Electric Company (Pacific) owns and operates a natural gas transmission pipeline system located in the State of California, and by such operations is engaged in, among other things, the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, and is a natural gas company within the meaning of the Natural Gas Act, as heretofore determined by the Commission in

its orders dated February 28, 1949, in Docket No. G-1092, and July 14, 1950, in Docket No. G-1195, issuing certificates of public convenience and necessity under section 7 of the Natural Gas Act.

On August 10, 1951, and on October 15, 1951, Pacific entered into service agreements with Southwest Gas Corporation, Ltd. (Southwest) and California-Pacific Utilities Company (California-Pacific), respectively, for the delivery and sale of natural gas for resale in interstate commerce by Pacific to Southwest and California-Pacific. Each of the service agreements is subject to Pacific's FPC Gas Tariff, Original Volume No. 1 on file with the Federal Power Commission.

The sales of natural gas by Pacific to Southwest and California-Pacific are subject to the following limitations appearing in the General Terms and Conditions of Pacific's FPC Gas Tariff, Original Volume No. 1, more particularly paragraph 7 appearing on Original Sheet No. 8:

Buyer shall render service with gas purchased from Seller to domestic and commercial customers only and shall not render service to any such customer whose use of gas exceeds 25,000 cubic feet per day of 24 hours, nor shall Buyer itself consume such gas in excess of said amount, unless it shall first have obtained Seller's approval to render such service or make such use, nor shall Buyer increase the volume of gas delivered to any such customer, or increase its use, without prior approval of Seller, provided, that Seller will give such approval as to domestic and commercial customers of Buyer who, in the judgment of Seller, cannot readily use a substitute fuel without undue hardship.

Also, such sales are subject to the limitations appearing in section 1 of the respective service agreements executed by Southwest and California; whereby the sales of natural gas by Pacific to each of the purchasers is "for resale by Buyer only for domestic and commercial purposes" and may not be resold to such customers in volumes exceeding 25 Mcf per day without prior approval of Pacific. These limitations likewise appear in the form of service agreement included in Pacific's tariff.

These provisions have been the subject of objections by California-Pacific and Southwest and they may be unjust, unreasonable, unduly discriminatory or preferential.

There is presently pending before the Commission an application for a certificate of public convenience and necessity filed by Pacific in Docket No. G-1651. That application is now set for hearing to commence on April 30, 1952, along with other related dockets. That certificate proceeding concerns, among other things, the volumes of gas to be available to the Pacific System which may have a bearing on the determination of the issues with respect to the provisions of the service agreements and tariff hereinabove referred to. It would, therefore, appear to be appropriate that the issues respecting the provisions of the service agreements and the tariff be brought on for hearing in conjunction with the hearing on the application for certificate of public convenience and necessity. Additionally, it would appear

that such procedure should serve the convenience of Pacific.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission on its own motion enter upon an investigation and hearing pursuant to the authority of sections 4 and 5 of the Natural Gas Act concerning the above-mentioned tariff and service agreements for the purpose of determining if said provisions are unjust, unreasonable, unduly discriminatory or preferential, or are otherwise contrary to the provisions of the Natural Gas Act.

(2) For purpose of hearing, the proceeding herein initiated should be consolidated with the proceeding on Pacific's application for a certificate of public convenience and necessity in Docket No. G-1651 and with other proceedings in Docket Nos. G-1630, G-1631, G-1718, G-1888, G-1912, and G-1934.

(3) It is reasonable and good cause exists for fixing the date of hearing in the instant proceeding on less than 15 days' notice.

The Commission orders:

(A) An investigation be and the same hereby is instituted for the purpose of enabling the Commission:

(i) To determine whether the above-mentioned provisions of Pacific's tariff and service agreements are unjust, unreasonable, unduly discriminatory or preferential or are otherwise contrary to the provisions of the Natural Gas Act;

(ii) If, after hearing, the Commission shall find the provisions of Pacific's tariff and service agreements referred to above are unjust, unreasonable, unduly discriminatory or preferential or are otherwise contrary to the provisions of the Natural Gas Act, to determine and fix by appropriate order or orders just, reasonable, non-discriminatory and non-preferential classifications, services, rules, regulations, and practices to be thereafter observed and in force.

(B) A public hearing be held commencing on April 30, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(C) This proceeding in Docket No. G-1945 be and it hereby is consolidated for purpose of hearing with the proceedings in Docket Nos. G-1651, G-1630, G-1631, G-1718, G-1888, G-1912, and G-1934, now set to convene on April 30, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(D) The issues in this proceeding, Docket No. G-1945 be heard after the conclusion of the hearing on the applications for certificates of public convenience and necessity.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure, provided, however, that notices of and petitions to intervene may be filed at any time subsequent to the



issuance of this order but no later than May 5, 1952.

Date of issuance: April 23, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 52-4757; Filed, Apr. 28, 1952;  
8:50 a. m.]

[Docket No. G-1725]

PANHANDLE EASTERN PIPE LINE CO.  
NOTICE OF POSTPONEMENT OF ORAL  
ARGUMENT

APRIL 22, 1952.

Upon consideration of request filed April 18, 1952, by Counsel for Michigan Consolidated Gas Company, for a postponement of the oral argument now scheduled for May 16, 1952, in the above-designated matter;

Notice is hereby given that said oral argument be and it is hereby postponed to May 26, 1952, at 10:00 a. m. in the Commission Hearing Room, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 52-4755; Filed, Apr. 28, 1952;  
8:49 a. m.]

INTERSTATE COMMERCE  
COMMISSION

[4th Sec. Application 26991]

PETROLEUM LUBRICATING OIL AND RELATED  
ARTICLES FROM CHICAGO, ILL., TO POINTS  
IN SOUTH AND SOUTHWEST

APPLICATION FOR RELIEF

APRIL 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3585 and 3642.

Commodities involved: Petroleum lubricating oil, petroleum lubricating grease, petroleum grease, noibn, and petroleum oil, noibn, carloads.

From: Chicago, Ill., and points grouped therewith.

To: Points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Rail competition, circuitry, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3585, Supp. 499; F. C. Kratzmeir's tariff I. C. C. No. 3821, Supp. 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position

they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 52-4746; Filed, Apr. 28, 1952;  
8:47 a. m.]

[4th Sec. Application 26992]

COMMODITY RATES IN TEXAS

APPLICATION FOR RELIEF

APRIL 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 807. Commodities involved: Various commodities, carloads.

Between: Points in Texas.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Schedules filed containing proposed rates: Lee Douglass' tariff I. C. C. No. 807, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 52-4747; Filed, Apr. 28, 1952;  
8:47 a. m.]

[4th Sec. Application 26993]

SPODUMENE ORE FROM KINGS MOUNTAIN,  
N. C., TO MAYWOOD, N. J., BRIDGEVILLE,  
CHARLEROI, AND JEANNETTE, PA.

APPLICATION FOR RELIEF

APRIL 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1188.

Commodities involved: Spodumene ore and concentrates, carloads.

From: Kings Mountain, N. C.

To: Maywood, N. J., Bridgeville, Charleroi, and Jeannette, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1188, Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 52-4748; Filed, Apr. 28, 1952;  
8:48 a. m.]

OFFICE OF DEFENSE  
MOBILIZATION

[Defense Manpower Policy No. 4,  
Notification 29]

PLACEMENT OF PROCUREMENT IN THE RONCEVERTE-WHITE SULPHUR SPRINGS,  
WEST VIRGINIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE  
AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Ronceverte-White Sulphur Springs area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Ronceverte-White Sulphur Springs area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take



the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings have been held on the textile and shoe industries. Following the reports of the Hearing Panels, consideration will be given to certifying these industries under the provisions of the Policy. Hearings on the apparel industry will be held shortly.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on June 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE  
MOBILIZATION,  
JOHN R. STEELMAN,  
*Acting Director.*

**FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE RONCEVERTE-WHITE SULPHUR SPRINGS, WEST VIRGINIA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4**

Under date of March 25, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Ronceverte-White Sulphur Springs area as a surplus labor area under standards established by the Secretary of Labor. The Ronceverte-White Sulphur Springs area is composed of Greenbrier and Monroe counties.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Ronceverte-White Sulphur Springs area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Ronceverte-White Sulphur Springs area, the Committee makes the following findings and recommendation:

**FINDINGS**

The Committee finds:

1. That the Ronceverte-White Sulphur Springs area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;
2. That there exists in the Ronceverte-White Sulphur Springs area a comparatively small number of suitable facilities for the performance of additional Government contracts;
3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Ronceverte-White Sulphur Springs area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Ronceverte-White Sulphur Springs area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;
4. That no price differential for the Ronceverte-White Sulphur Springs area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Ronceverte-White Sulphur Springs area;

5. That the textile, apparel, and shoe industries, to the extent that they exist in the Ronceverte-White Sulphur Springs area, should not be included in the application of Defense Manpower Policy No. 4 in the Ronceverte-White Sulphur Springs area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

**RECOMMENDATION \***

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Ronceverte-White Sulphur Springs area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,  
ARTHUR S. FLEMING,  
*Chairman,*  
*Surplus Manpower Committee.*

Approved:

JOHN R. STEELMAN,  
*Acting Director.*  
*Office of Defense Mobilization.*

[F. R. Doc. 52-4817; Filed, Apr. 28, 1952;  
8:55 a. m.]

[Defense Manpower Policy No. 4,  
Notification 30]

**PLACEMENT OF PROCUREMENT IN THE TAUNTON, MASSACHUSETTS, AREA**

**NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION**

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Taunton area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Taunton area, with the exception of the textile, apparel, and shoe industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

Public hearings have been held on the textile and shoe industries. Following the reports of the Hearing Panels, consideration will be given to certifying these industries under the provisions of the Policy. Hearings on the apparel industry will be held shortly.

The Department of Defense and the General Services Administration are

requested to submit the first written report of the actions taken under this notification on June 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE  
MOBILIZATION,  
JOHN R. STEELMAN,  
*Acting Director.*

**FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE TAUNTON, MASSACHUSETTS, AREA UNDER DEFENSE MANPOWER POLICY NO. 4**

Under date of April 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Taunton area as a surplus labor area under standards established by the Secretary of Labor. The Taunton area is composed of the City of Taunton, and the towns of Berkley, Dighton, Norton, Raynham, and Rehoboth in Bristol County and the towns of Halifax, Middleboro, Lakeville, and Pembroke in Plymouth County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Taunton area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Taunton area, the Committee makes the following findings and recommendation:

**FINDINGS**

The Committee finds:

1. That the Taunton area as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;
2. That there exists in the Taunton area a comparatively small number of suitable facilities for the performance of additional Government contracts;
3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Taunton area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Taunton area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;
4. That no price differential for the Taunton area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Taunton area;
5. That the textile, apparel, and shoe industries, to the extent that they exist in the Taunton area, should not be included in the application of Defense Manpower Policy No. 4 in the Taunton area; after notice to and hearing of interested parties, consideration will be given to separate recommendations applying to the entire textile, apparel, and shoe industries.

**RECOMMENDATION**

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Taunton area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the



Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,  
ARTHUR S. FLEMING,  
Chairman,  
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,  
Acting Director,  
Office of Defense Mobilization.

[F. R. Doc. 52-4818; Filed, Apr. 23, 1952;  
8:55 a. m.]

[CDHA No. 49]

# FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

APRIL 28, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Farmington, New Mexico, Area. (The area consists of the County of San Juan, New Mexico.)

Bridgeport, Washington, Area. (The area consists of Census Division 2, including the Town of Bridgeport in Douglas County; and Census Division 8, including the Towns of Brewster and Pateros in Okanagon County; all in Washington.)

JOHN R. STEELMAN,  
Acting Director of  
Defense Mobilization.

[F. R. Doc. 52-4867; Filed, Apr. 28, 1952;  
11:35 a. m.]

[RC 41, No. 344]

NEWPORT, R. I. AREA

# DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

APRIL 28, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

No. 84—6

Newport, Rhode Island, Area. (The area consists of the City of Newport and the Towns of Middletown, Portsmouth and Tiverton, all in Newport County.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,  
Acting Secretary of Defense.  
JOHN R. STEELMAN,  
Acting Director of  
Defense Mobilization.

[F. R. Doc. 52-4865; Filed, Apr. 28, 1952;  
11:35 a. m.]

[RC 42, No. 131]

PARSONS, KANS., AREA

# DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

APRIL 28, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Parsons, Kansas, area. (The area consists of Labette County, Kansas.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,  
Acting Secretary of Defense.  
JOHN R. STEELMAN,  
Acting Director of  
Defense Mobilization.

[F. R. Doc. 52-4866; Filed, Apr. 28, 1952;  
11:35 a. m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2826]

ALABAMA POWER CO.

# SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING OF FIRST MORTGAGE BONDS AND OVER FEES AND EXPENSES

APRIL 23, 1952.

Alabama Power Company ("Alabama"), a public utility subsidiary of The Southern Company, a registered holding company, having filed an application, with amendments thereto, under section 6 (b) of the act with respect to the issuance and sale by Alabama, pursuant to the competitive bidding provisions of Rule U-50, of \$12,000,000 principal amount of First Mortgage Bonds, \_\_\_\_\_ Percent Series due 1982; and

The Commission having, by order dated April 9, 1952, granted said appli-

cation, as amended, except that the issuance and sale of the bonds were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of April 9, 1952, with respect to all fees and expenses incurred in connection with the proposed transactions; and

Alabama having filed a further amendment to the application in which it is stated that, in accordance with the permission granted by the said order of the Commission dated April 9, 1952, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Annual interest rate (percent)	Price to company <sup>1</sup> percent of principal	Annual cost to company (percent)
Blyth & Co., Inc., and Kidder, Peabody & Co., Inc.	3½	102.201	3.2595
Union Securities Corp., Equitable Securities Corp., and Drexel & Co.	3½	102.011	3.2693
Halsey, Stuart & Co., Inc.	3½	101.85	3.2777
Shields & Co. and Solomon Bros. & Hutzler	3½	101.8259	3.2784
The First Boston Corp.	3½	101.7999	3.2818
Morgan Stanley & Co.	3½	101.769	3.2819
Kuhn, Loeb & Co.	3½	101.507	3.2955
Harriman, Ripley & Co., Inc.	3½	101.309	3.3059

<sup>1</sup> Plus accrued interest from Apr. 1, 1952, to the date of delivery of the payment for the bonds.

Said amendment having further stated that Alabama has accepted the bid of Blyth & Co., Inc. and Kidder, Peabody & Co. for the purchase of the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 102.75 percent of the principal amount thereof, plus accrued interest from April 1, 1952, resulting in an underwriters' spread of 0.549 percent of the principal amount of the bonds, or an aggregate amount of \$65,880; and

The record having been completed with respect to the fees and expenses incurred in connection with the proposed transactions, which are estimated as follows:

Alabama mortgage privilege tax	\$18,000.00
Federal original issue tax	13,200.00
S. E. C. filing fee	1,238.00
Listing on New York Stock Exchange	1,440.00
Charges of trustee (including counsel)	8,100.00
Cost of temporary and definitive bonds	7,800.00
Printing	20,000.00
Recording supplemental indenture	1,500.00
Winthrop, Stimson, Putnam & Roberts, counsel:	
Fee	10,000.00
Expenses	100.00
Arthur Anderson & Co., accountants:	
Fee	6,565.00
Expenses	276.88
Southern Services, Inc., mutual service company	6,000.00
Miscellaneous	3,000.00

97,217.88



It appearing that the proposed fee and estimated expenses of Reid & Priest, counsel for the purchasers of the bonds, which are to be paid by said purchasers, are \$7,000.00 and \$50.00, respectively; and

The Commission having examined the record in the light of said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received by Alabama for the bonds, the interest rate, the underwriters' spread, or otherwise; and it appearing to the Commission that the fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses, be released:

It is ordered, That the application, as further amended, be, and the same hereby is, granted forthwith, and that the jurisdiction heretofore reserved with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions, be, and the same hereby is, released subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 52-4741; Filed, Apr. 28, 1952;  
8:45 a. m.]

[File No. 70-2832]

ARLINGTON GAS LIGHT CO. ET AL.

ORDER AUTHORIZING ISSUE AND SALE OF  
PROMISSORY NOTES

APRIL 23, 1952.

In the matter of Arlington Gas Light Company, Central Massachusetts Gas Company, Gloucester Gas Light Company, Malden and Melrose Gas Light Company, Northampton Gas Light Company, Salem Gas Light Company, Wachusett Gas Company; File No. 70-2832.

The above named companies (hereinafter individually referred to as "Arlington," "Central Mass.," "Gloucester," "Malden and Melrose," "Northampton," "Salem" and "Wachusett" and collectively referred to as the "borrowing companies"), all subsidiary companies of New England Electric System, a registered holding company, having filed declarations with this Commission, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23, U-42 (b) (2) and U-50 (a) (2) promulgated thereunder, in respect to the following proposed transactions:

Under separate bank loan agreements with The National City Bank of New York, the borrowing companies had outstanding on March 31, 1952, unsecured promissory notes payable to said bank and due May 1, 1952 in the aggregate amount of \$7,650,000. Under new bank loan agreements with that bank, the borrowing companies propose to borrow, from time to time but not later than

December 31, 1952, an aggregate amount of \$10,600,000, such borrowings to be evidenced by unsecured promissory notes maturing April 1, 1953. The proceeds to be derived from the promissory notes proposed to be issued will be used to pay off said \$7,650,000 of notes due May 1, 1952, and the balance of the

proceeds, \$2,950,000, will be used to pay for conversion and construction costs.

The following table shows the aggregate face amount of notes outstanding on March 31, 1952, the interest rates being charged thereon, the face amount of new notes proposed to be issued and the proposed interest rates thereon:

	Notes outstanding Mar. 31, 1952		Proposed notes to be issued	
	Amount	Interest rate	Amount	Interest rate <sup>1</sup>
		Percent		Percent
Arlington.....	\$1,200,000	2½	\$2,000,000	3¾
Central Massachusetts.....	400,000	3	800,000	3½
Gloucester.....	150,000	3½	1,120,000	2½
Malden & Melrose.....	500,000	3	4,000,000	3½
Northampton.....	3,000,000	2½	500,000	3½
Salem.....	400,000	3		
Wachusett.....	100,000	3½	1,550,000	3¾
	1,400,000	2½		
	50,000	2		
	250,000	3	600,000	3½
Total.....	7,650,000		10,600,000	

<sup>1</sup> Each of the separate bank loan agreements provides for a commitment fee at the rate of ¼ of 1 percent per annum on the average daily difference between the amount of the bank's commitment and the amount borrowed.

The borrowing companies expect that, during 1952, they will refinance all but \$815,000 of their note indebtedness through the issuance of first mortgage bonds in the aggregate principal amount of \$5,850,000, conversion loans in the aggregate face amount of \$2,485,000 and the issuance and sale of common stock in the aggregate amount of \$1,450,000.

The declarations state that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, and affiliated service company, such cost being estimated not to exceed \$500 for each of the borrowing companies or an aggregate of \$3,500. Each of the separate bank loan agreements provides that the respective borrowing companies will reimburse the bank for out-of-pocket expenses, including counsel fees in connection with the agreements, but it is stated that the amount of such expenses is expected to be nominal.

The declarations further state that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declarations having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declarations be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declarations be, and hereby are, permitted to become effective, subject to the terms and conditions pre-

scribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 52-4744; Filed, Apr. 28, 1952;  
8:45 a. m.]

[File No. 70-2941]

NEW ENGLAND POWER CO.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

APRIL 23, 1952.

New England Power Company ("NEPCO"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed a declaration, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 (b) (2) thereunder, in respect of the following proposed transactions:

NEPCO presently has outstanding \$16,000,000 principal amount of promissory notes, due June 1, 1952, issued pursuant to a bank loan agreement with five banks, namely, The First National Bank of Boston \$8,800,000, The Chase National Bank of the City of New York \$2,080,000, The Hanover Bank \$2,080,000, Irving Trust Company \$2,080,000 and The New York Trust Company \$960,000. The rate of interest to April 1, 1952, for \$7,400,000 of the notes presently outstanding is 2½ percent, for \$4,600,000 of such notes is 2¾ percent and for the remaining \$4,000,000 of such notes is 3 percent. The bank loan agreement provides that the interest rate after April 1, 1952, to the maturity date of June 1, 1952, on all of said notes will be at the prime ninety day commercial rate generally being charged by banks in Boston on April 1, 1952, but not less than 2¾ percent per annum nor more than 3 percent per annum. NEPCO has amended its bank loan agreement which, among other things, increases the



amount of permissible borrowings to \$27,500,000 and extends the borrowing period to December 31, 1952.

NEPCO now proposes to issue to the above mentioned banks, pursuant to the amended bank loan agreement, from time to time but not later than June 30, 1952, \$20,000,000 of unsecured promissory notes maturing April 1, 1953. The proceeds to be derived from said notes will be used to pay off the \$16,000,000 of presently outstanding notes, due June 1, 1952, and the balance of the proceeds, \$4,000,000, will be used for construction expenditures. The \$16,000,000 of notes proposed to be issued on or before June 1, 1952, will bear interest to October 1, 1952, at the six month prime commercial rate generally being charged by banks in Boston on April 1, 1952, but in no event less than 3 percent per annum nor more than 3 1/4 percent per annum, and said notes will bear interest from October 1, 1952, to April 1, 1953, at said prime rate on October 1, 1952, but in no event less than 3 percent per annum nor more than 3 1/2 percent per annum. The remaining notes proposed to be issued will bear interest to October 1, 1952, at the prime rate on the fifth day prior to its issue date, but in no event less than 3 percent per annum nor more than 3 1/4 percent per annum, and will bear interest from October 1, 1952, to April 1, 1953, at the prime rate on October 1, 1952, but in no event less than 3 percent per annum nor more than 3 1/2 percent per annum. The new bank loan agreement provides for the payment of commitment fees at the rate of 1/4 percent per annum on the average daily difference between the amount of the banks' commitment and the amount borrowed under the agreement. Subject to certain restrictions, the new bank loan agreement permits prepayment of the notes, in whole or in part, without premium.

According to the declaration, NEPCO expects that, during the year 1952, the major portion of its note indebtedness will be financed permanently through the issuance of capital stock and first mortgage bonds and NEPCO has been advised by NEES that the parent company expects to have the necessary funds to invest in NEPCO's common stock from proceeds derived from the sale of additional common shares.

NEPCO further proposes that the proceeds of any permanent financing, except financing (including the assumption of indebtedness of Connecticut River Power Company) for the acquisition of properties of Connecticut River Power Company, done before the maturity of the notes proposed to be issued will be applied in reduction of, or in total payment of, notes then outstanding and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$1,500. The new bank loan agreement provides that NEPCO will reimburse The

First National Bank of Boston, as Agent for the five lending banks, for out-of-pocket expenses, including counsel fees incurred in connection with the agreement, such expenses and fees being believed to be nominal. Other expenses are estimated not to exceed \$100.

The New Hampshire Public Utilities Commission has approved the proposed issuance and sale of said notes and the declaration states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEPCO requests that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 52-4743; Filed, Apr. 28, 1952;  
8:46 a. m.]

[File No. 812-783]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION

APRIL 23, 1952.

In the matter of The Equity Corporation, First York Corporation, American Wheelabrator & Equipment Corporation, and Real Estate Equities, Inc.; File No. 812-783.

Notice is hereby given that the Equity Corporation (Equity), 103 Park Avenue, New York, New York, on behalf of itself and also on behalf of First York Corporation (First York), 103 Park Avenue, New York, New York, American Wheelabrator & Equipment Corporation (Wheelabrator), 400 South Byrkit Avenue, Mishawaka, Indiana, and Real Estate Equities, Inc. (Real Estate Equities), 103 Park Avenue, New York, New York, has filed an application under section 17 (b) of the Investment Company Act requesting an order exempting from section 17 (a) of the act the purchase of certain properties and the acquisition of certain easements by Wheelabrator from Real Estate Equities.

Equity is registered under the Investment Company Act of 1940 (the Act) as a closed-end, non-diversified management investment company. Equity owns 81.98 percent of the outstanding voting securities of First York and also 15.93 percent of the outstanding voting secu-

rities of Real Estate Equities. First York is registered under the act as a closed-end, non-diversified management investment company and owns 91.46 percent of the outstanding voting securities of Wheelabrator and 81.12 percent of the outstanding voting securities of Real Estate Equities. Certain persons who are affiliated with Wheelabrator and/or Real Estate Equities as officers and/or directors are also affiliated with Equity and/or First York as officers and/or directors.

Wheelabrator, a manufacturing and distribution company, leases a plant located upon the property of Real Estate Equities at Mishawaka, Indiana. Wheelabrator presently contemplates the erection of new facilities and proposes to erect such facilities upon a portion of the unimproved property covered by the Wheelabrator lease. Inasmuch as Wheelabrator desires to erect such plant upon real property owned in fee, it has entered into an agreement of sale with Real Estate Equities providing for the elimination from the Wheelabrator lease (without reduction of the rental therein prescribed) of approximately 29.6 acres of unimproved land, and the conveyance of such property to Wheelabrator together with certain easements. Said property and the nature of said easements are more fully described in the application and the exhibits thereto. The purchase price of the property and easements involved is to be \$10,000. Said property and easements have been appraised by an experienced real estate appraiser in the City of Mishawaka at a value of \$9,880.

Since the proposed transaction involves the purchase of property from a company controlled by registered investment companies by an affiliated person of such investment companies such transaction is prohibited by section 17 (a) of the act unless an exemption therefrom is granted by the Commission under section 17 (b) of the act. Accordingly, the application requests an order pursuant to section 17 (b) exempting the proposed transaction from the prohibitions of section 17 (a) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after May 7, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than May 5, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by



the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 52-4742; Filed, Apr. 28, 1952;  
8:45 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order 18849]

HIROSHI FUJI

In re: Bonds owned by Hiroshi Fuji, also known as H. Fuji. D-39-3922.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hiroshi Fuji, also known as H. Fuji, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) Imperial Japanese Government External Loan of 1930, 35-year Sinking Fund 5½ percent Gold Bonds, due May 1, 1965, of \$1,000.00 face value each, bearing the numbers 30934 and 46028, and presently in the custody of Sterling Carr, Trustee of the Estate of Nippon Yusen Kaisha, a corporation, Bankrupt, One Montgomery Street, San Francisco 4, California, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hiroshi Fuji, also known as H. Fuji, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 52-4772; Filed, Apr. 25, 1952;  
12:37 p. m.]

[Vesting Order 18850]

FRANK T. SAKANASHI

In re: Securities owned by Frank T. Sakanashi also known as Taikichi Sakanashi. D-39-1125-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank T. Sakanashi, also known as Taikichi Sakanashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All rights in and under three (3) Certificates of Beneficial Interest for \$10.00 par value units of Second Twin Bell Syndicate, 1115 Rives Strong Building, Los Angeles 15, California, said certificates numbered 177 and 2012 for five (5) units each and 1239 for three (3) units, together with all declared and unpaid dividends thereon, and

b. All rights in and under one (1) Certificate of Beneficial Interest for no par value units of Third Twin Bell Syndicate, 1115 Rives Strong Building, Los Angeles 15, California, said certificate numbered 175 for five (5) units, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frank T. Sakanashi, also known as Taikichi Sakanashi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 52-4773; Filed, Apr. 25, 1952;  
12:37 p. m.]

[Vesting Order 18852]

THOMAS S. OSHIDARI

In re: Rights of Thomas S. Oshidari, also known as Thomas Shinichi Oshidari, under Insurance Contract. File No. F-39-6981-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thomas S. Oshidari, also known as Thomas Shinichi Oshidari, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. G 42690 issued by the Constitution Life Insurance Company, Los Angeles, California, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Kin Oshidari, a resident of the United States, and of the aforesaid Constitution Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Thomas S. Oshidari, also known as Thomas Shinichi Oshidari, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 52-4775; Filed, Apr. 25, 1952;  
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